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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 07 — February 16, 1999

Pages 2,435 – 2,618

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
Jesse White
Secretary of State



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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Proposed Action:
402.8 Amend

4) Statutory Authority: 225 ILCS 10

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment requires that weapons, registered firearms, and ammunition be locked up at all times and kept in places inaccessible to children. Unregistered guns and unregistered firearms are prohibited in the foster family home.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jerry B. Crabtree
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217/524-1983
TTY: 217/524-3715
E-Mail: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed amendment will not affect small businesses.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: January 1999
The full text of the proposed rules follows.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.4	Application for Renewal of License
402.5	Provisions Pertaining to Permits
402.6	Provisions Pertaining to the License
402.7	General Requirements for the Foster Home
402.8	Requirements for Sleeping Arrangements
402.9	Nutrition and Meals
402.10	Business and Employment of Foster Family
402.11	Qualifications of Foster Parents
402.12	Background Inquiry
402.13	Health of Foster Family
402.14	Number and Ages of Children Served
402.15	Meeting Basic Needs of Children
402.16	Health Care of Children
402.17	Religion
402.18	Recreation and Leisure Time
402.19	Education
402.20	Discipline of Children
402.21	Emergency Care of Children
402.22	Release of Children
402.23	Confidentiality of Information
402.24	Required Written Consents
402.25	Records to be Maintained
402.26	Licensing Supervision
402.27	Adoptive Homes
402.28	Severability of This Part

APPENDIX A	Criminal Convictions Which Prevent Licensure
APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3994, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 402.8 General Requirements for the Foster Home

- The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- The water supply of the foster family home shall comply with the requirements of the local and state health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- Prescription and nonprescription drugs, dangerous household supplies, and dangerous tools—weapons—guns—and ammunition shall be kept in a safe place.
- Any and all weapons, registered firearms, and ammunition will be locked up at all times and kept in places inaccessible to children. No unregistered guns or unregistered firearms shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- The foster home shall comply with all requirements of the state laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- The foster home shall have an operating telephone on the premises

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument.

b)† The foster home shall have fire and emergency evacuation plans which are to be discussed and routinely rehearsed with the children.

i)† Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster

child to accommodate personal belongings.

j)† Foster parents shall respect children's rights to privacy while

sleeping, toileting and dressing.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

<u>Section Numbers:</u>	<u>Proposed Action:</u>
25.110	Repeal
25.115	New Section
25.120	Repeal
25.125	New Section
25.130	Repeal
25.135	New Section
25.137	New Section
25.140	Repeal
25.145	New Section
25.150	Repeal
25.155	New Section
25.160	New Section
25.165	New Section
25.485	Repeal
25.620	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: This set of amendments contains the changes that will be needed to put in place a new system of accreditation and approval for teacher preparation institutions and their programs. It implements many of the aspects of the Board's professional development framework in that it begins the transition to a system of program approval based on content standards for the various areas of teaching. In addition, it incorporates the standards used by the National Council on Accreditation of Teacher Education (NCATE) to accredit "educational units", i.e., the institutions or colleges, schools, departments, or other administrative bodies within institutions that are primarily responsible for the preparation of teachers and other education professionals.

These changes cannot take place all at once, requiring us to put in place several sets of interim provisions in addition to the description of the system that will ultimately be in place. On one hand, the State Board's goal of implementing a system based on alignment with the NCATE standards for educational units has been widely known in the teacher preparation community for several years, and all institutions have already had an opportunity to become familiar with these standards.

On the other hand, the changes that institutions will have to make in their various programs to respond to content standards will take longer and cannot be fully set in motion until all the sets of content standards are available. In order to provide all affected institutions with

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

adequate notice of these standards and time to respond to them, full reliance on them will not take effect until July 1, 2003.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? The rules do contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act; see Section 25.115(b).
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
25.11	New Section	22 Ill. Reg. 17159
25.15	New Section	22 Ill. Reg. 17159
25.99	Amendment	22 Ill. Reg. 17159
25.311	Amendment	22 Ill. Reg. 17159
25.313	New Section	22 Ill. Reg. 17159
25.720	Amendment	22 Ill. Reg. 17159
25-Appendix B	New Section	22 Ill. Reg. 17159
25-Appendix C	New Section	22 Ill. Reg. 17159
25-Appendix D	New Section	22 Ill. Reg. 17159

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street (S-284)
 Springfield, Illinois 62777
 (217) 782-3950

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Institutions wishing to offer teacher preparation programs will be required to prepare the documentation that must be reviewed in the course of the approval process.

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NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999
- The full text of the proposed amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section
25.10

Section

25.20 State Elementary School Certificate
25.30 State High School Certificate
25.40 State Special Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50

General Certificate

25.60

State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.65

Alternative Certification

25.67

Alternative Route to Teacher Certification

25.70

State Provisional Vocational Certificate

25.75

Part-time Provisional Certificates

25.80

Early Childhood Certificates

25.80

Transitional Bilingual Certificate and Examination

25.90

Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.95

Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval (Repealed)

25.115

Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

25.120

Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

25.125

Fifth-Year Review

25.130

Procedures for Initial Recognition as a Teacher Education Institution (Repealed)

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25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003

25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)

25.145 Approval of New Programs Within Recognized Institutions

25.150 The Periodic Review Process (Repealed)

25.155 Initial Recognition Procedures Effective July 1, 2000

25.160 Notification of Recommendations; Decisions by State Board of Education

25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.210 Requirements for the Certification of School Social Workers
25.220 Requirements for the Certification of Guidance Personnel
25.230 Requirements for the Certification of School Psychologists
25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section

25.310 Definitions (Repealed)
25.311 Administrative Certificate
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement
25.330 Standards and Guide for Approved Programs (Repealed)
25.332 General Administrative Endorsement
25.334 Chief School Business Official Endorsement
25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

25.405 Military Service
25.406 Revoked Certificates
25.410 Credit in Junior College
25.415 Psychology Accepted as Professional Education
25.420 Individuals Prepared in Out-of-State Institutions
25.425 Three-Year Limitation
25.427 Institutional Approval
25.430 School Service Personnel Certificate--Waiver of Evaluations
25.435 School Service Personnel Certificate--Waiver of Evaluations
25.437 Equivalency of General Education Requirements
25.440 Master of Arts NCATE
25.442 Illinois Teacher Corps Programs

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25.445 College Credit for High School Mathematics and Language Courses
 25.450 Lapsed Certificates
 25.455 Substitute Certificates
 25.460 Provisional Special and Provisional High School Certificates
 25.465 Credit
 25.470 Meaning of Experience on Administrative Certificates
 25.475 Certificates and Permits No Longer Issued
 25.480 Credit for Certification Purposes
 25.485 Provisional Recognition of Institutions [Repealed]
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
 25.495 Part-Time Teaching Interns
 25.497 Approval of Out-of-State Institutions and Programs
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
 OTHER NONCERTIFIED PERSONNEL

Section
 25.510 Teacher Aides
 25.520 Other Noncertificated Personnel
 25.530 Specialized Instruction by Noncertificated Personnel
 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section
 25.610 Definitions
 25.620 Student Teaching
 25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
 25.705 Purpose - Severability
 25.710 Definitions
 25.715 Test Validation
 25.717 Test Equivalence
 25.720 Applicability of Testing Requirement
 25.725 Applicability of Scores
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education
 25.730 Registration
 25.732 Late Registration
 25.733 Emergency Registration
 25.735 Frequency and Location of Examination
 25.740 Accommodation of Persons with Special Needs
 25.745 Special Test Dates
 25.750 Conditions of Testing
 25.755 Voiding of Scores

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25.760 Passing Score
 25.765 Individual Test Score Reports
 25.770 Rescoring
 25.775 Institution Test Score Reports
 25.780 Fees

APPENDIX A Statistical Test Equating - Certification Testing System

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART C: IMPROVING THE TEACHER EDUCATION PROGRAMS OF THE
 TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section 25.110 System of Approval: Levels of Approval [Repealed]

a) Authority
 i) ~~the system of institutional recognition and program approval described in this Subpart has been developed pursuant to Section 21-21 of the School Code [105 ILCS 5/21-21]; the State Board of Education, the State Board of Education through the State Superintendent of Education, in consultation with the State Teacher Certification Board, to recognize institutions and approve courses of study in those institutions recognized for the preparation of teachers and school service supervisory and administrative personnel;~~
 ii) ~~the system of recognition and approval is directly related to the process of certification of educational personnel which has been adopted by the General Assembly and the State Board of Education as administered by the State Board of Education; the certification of educational personnel depends upon the process of institutional recognition and program approval which the State~~

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Board of Education establishes and monitors:
 Institutional Recognition and Program Approval

b) Institutional Recognition and Program Approval
 Institutional Recognition and Program Approval bind together the pre-service preparation of educational personnel and the granting of the appropriate certificates and endorsements. Under this system the judgments concerning individuals in the process of certification are shared by the institutions and the state. The recommendation of recognized institutions that a candidate be certificated is accepted by the State Board of Education as verification that the candidate has satisfactorily completed all of the requirements of the certification statutes and relevant rules and has successfully completed an approved program leading to the certification and endorsement for which the candidate is recommended.

c) Institutional Recognition and Program Approval

It is the responsibility of institutions to demonstrate compliance with applicable statutes and the requirements set forth herein. Evidence that these requirements are not adhered to shall either lead to provisional approval or to denial of approval for the program(s) that are not in compliance and to the institution being placed on provisional recognition for a period not to exceed three years, after which, if noncompliance persists, recognition may be withdrawn. Deviation from requirements set forth herein is allowable only with the prior approval of the State Superintendent of Education in consultation with the State Teacher Certification Board. Institutional requests for deviation from these requirements will be permitted when a specific need for the proposed program deviation is established; minimum statutory requirements are met; and the program while deviating from existing rules provides adequate and defensible preparation.

1) Conditions Requiring Recognition and Approval

A) Institutional Recognition is required

i) When an institution which is not recognized intends to conduct approved teacher education programs, and

ii) Every five years after initial recognition.

B) Program Approval is required

i) When an institution proposes to conduct a program not currently approved

ii) When an institution significantly modifies the content, experiences, sequence or procedures of a program, and

iii) At the time of the fifth-year reviews

E) Consortium Approval is required

i) When two or more institutions enter into agreements to provide educational services in connection with a teacher education program, and

ii) Every five years.

2) Levels of Recognition and Approval

A) Initial Recognition as a teacher education institution

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When an institution not having recognition intends to conduct approved teacher education programs, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:

i) Grant recognition which authorizes the institution to recommend candidates for certification by entitlement and conduct approved teacher education programs for five years.

ii) Grant provisional recognition which authorizes the institution to conduct approved teacher education programs and recommend candidates by entitlement under conditions and limitations stipulated by the State Superintendent of Education in consultation with the State Teacher Certification Board, or

iii) Deny recognition and prohibit the institution from conducting teacher education programs.

B) New or Modified Program

When an institution proposes to sponsor a new program or to significantly modify an approved program, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:

i) Grant approval which authorizes the institution to conduct the proposed or modified program for five years.

ii) Grant provisional approval which authorizes the institution to conduct the proposed or modified program under stipulated conditions and limitations, or

iii) Deny approval of the proposed or modified program.

3) Fifth-Year Review

Subsequent to completion of a fifth-year review, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one or more of the following actions:

A) Grant recognition to the institution and its programs authorizing the institution to conduct approved programs for five years.

B) Grant provisional recognition to the institution or provisional approval of one or more of the programs conducted by the institution. Provisional recognition of the institution authorizes the institution to continue to conduct approved programs under stipulated conditions and limitations. Provisional approval of a program authorizes the institution to conduct the program under stipulated conditions and limitations or

C) Deny recognition of the institution or approval of one or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

more of the programs conducted by the institution. Denial of recognition of the institution prohibits the institution from conducting approved programs. Evidence that an institution is conducting its teacher education programs in violation of Illinois statutes governing the education and certification of educational personnel will lead to immediate denial of recognition of the institution in other instances denial of recognition will become effective within a period of two years with the date specified by the State Superintendent of Education in consultation with the State Teacher Certification Board.

4) Conditions for Awarding Recognition and Approval Status
The State Superintendent of Education in consultation with the State Teacher Certification Board may grant or deny recognition or approval under the following stipulated conditions:

- A) Recognition or approval may be granted only when the institution or program complies sufficiently with the criteria presented in Section 45-10 of this Part.
- B) Provisional recognition or approval may be granted only when an institution or a program does not comply sufficiently with one or more of the criteria presented in Section 25-120 of this Part but provides evidence of plans and resources to comply sufficiently within a period not to exceed three years. Provisional recognition or approval may not be granted in the absence of notifying the institution of the stipulated conditions and limitations imposed upon it or upon one of its programs or
- C) Recognition or approval may be denied only when an institution or a program does not comply sufficiently with the standards and criteria for approval presented in Section 25-120 of this Part. Recognition or approval may not be denied in the absence of notifying the institution of the reasons for denial.

5) Voluntary Request for Withdrawal of Recognition or Approval
Any institution voluntarily wishing to have recognition of the institution or approval of a program withdrawn shall notify the Secretary of the State Teacher Certification Board in writing of its desire and request appropriate action by the State Superintendent of Education in consultation with the State Teacher Certification Board.

6) Use of Recognition and Approval Status in Institutional Publications
An institution shall indicate in its publications including its catalogs:

- A) The last date on which the institution was recognized and its programs were approved;
- B) Programs which may be pending approval; and
- C) Those programs that are not approved.

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7) Institutional eligibility for initial recognition under this Manual

- A) The institution is approved as a degree-granting institution if the institution is subject to provisions of the institution of Learning Powers Act (10-10-1965-1977)
- B) The institution sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and
- C) The institution proposes to conduct at least one approved teacher education program.

8) Institutional Appeals Procedure

- A) Cause: Any institution which has formally requested recognition or approval of a program and wherein the State Teacher Certification Board or the State Superintendent of Education or both has recommended or granted provisional recognition or approval or has recommended denial or has denied recognition or approval may appeal such actions.

B) Notice: An aggrieved institution shall file notice of appeal within thirty (30) days after receiving notification of a Board recommendation or within (30) days after receiving notification of action by the State Superintendent of Education. Notices of appeal shall be filed through the United States mail service with the Secretary of the State Teacher Certification Board.

C) Preliminary Hearing: Upon receipt of notification, the Secretary will designate after consultation with the aggrieved institution a hearing officer who will at the expense of the State Board of Education conduct a preliminary hearing to determine if substantive grounds for appeal exist. Such grounds will be limited to:

- i) Alleged gross misinterpretation of evidence supplied by the institution; or
- ii) Alleged arbitrary or capricious action on the part of the State Superintendent of Education or the State Teacher Certification Board.

D) The hearing officer will after reviewing evidence emerging from the hearing recommend to the State Superintendent of Education:

- i) That an appeal be granted; or
 - ii) That an appeal be denied.
- E) When Appeal is Granted: The appeal will be heard within sixty (60) days after the hearing officer has presented his/her recommendation for granting an appeal. This hearing shall be limited to the scope of the grievances as defined by the hearing officer. Evidence of program or institutional changes subsequent to action of the State Superintendent of Education or the State Teacher

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Certification Board will not be admissible. Either the State Superintendent or the Board, subsequent to the hearing, may recommend or grant approval, provisional recognition or approval or deny recognition or approval.

F) Costs--All costs for preliminary hearings and any appeals hearings, except those incurred by the institution, shall be borne by the State Board of Education.

G) Counsel--At all times, the institution, the State Superintendent of Education, or the Board may elect to be represented by an attorney.

H) After exhaustion of the appeals process, institutions may seek further remedies under the Administrative Review Law (735 ILCS 5/Att-3).

(Source: Repealed at 23 Ill. Reg. _____, effective _____.)

Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

In order for an Illinois institution of higher education to offer one or more teacher preparation programs, that institution must be recognized, and the educational unit responsible for such program(s) must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Specific teacher preparation programs offered by recognized institutions must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board.

- a) An institution shall be recognized if it:
 - 1) is approved as a degree-granting institution, if the institution is subject to provisions of the Institution of Learning Powers Act (110 ILCS 501);
 - 2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree and conducts or proposes to conduct at least one approved teacher education program;
 - b) An educational unit shall be accredited if the institution meets the standards enumerated in "Standards, Procedures and Policies for the Accreditation of Professional Education Units" (1995), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).
 - c) A teacher preparation program shall be approved if it meets the applicable content standards established by the State Board of

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Education, except as provided in Section 25.135 or Section 25.137 of this Part.

d) The accreditation of an educational unit and the approval of its Programs shall be subject to review every five years. Fifth-Year Review shall be conducted as provided in Section 25.125 of this Part and decisions regarding continued accreditation and approval shall be made as provided in that Section, except as provided in Section 25.135 or 25.137 of this Part.

e) No later than October 1 of each year, each accredited educational unit shall submit to the State Superintendent of Education an annual report which describes any changes in the unit or its program(s), updates any information previously provided, if needed, and/or documents how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as not met or met with areas of weakness.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

Section 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

- a) Standards for Recognition of Institutions

Only those institutions which evidence and subsequently maintain sufficient compliance with the following standards will be recognized as teacher education institutions:

 - 1) Institutional Support for Teacher Education Programs--These standards measure the institution's commitment to sponsoring teacher education programs and its capability to fulfill that commitment for the period of recognition.
 - A) The institution has articulated a statement of its mission or goals and the mission or goals include and are consistent with the sponsorship of teacher education programs.
 - B) The institution evidences continuing availability and commitment of fiscally human and other resources adequate to conduct approved teacher education programs.
 - C) The institution has developed and maintains an administrative and policy development structure which provides the capability to undertake the coordination, planning and evaluation processes necessary to the conduct of teacher education programs.
 - B) The institution presents documentation of the need for its programs including an analysis of the available supply of teachers in the subject matter field and/or grade level being proposed.
 - 3) Admissions, Retention and Recommendation for Certification--The standards under this heading require evidence that the institution has established criteria and procedures for

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admission, retention, and recommendation for certification. These criteria and procedures must be neutral with respect to personal characteristics or background irrelevant to an individual's successful completion of a program and anticipated success in a certificated role in the Illinois public schools.

A) The institution has established a written recruitment plan detailing the procedures it follows in its efforts to attract students from diverse economic, racial, and cultural backgrounds to the teacher preparation programs. The institution follows procedures for admitting students to the institution and to teacher preparation programs and undertakes continuous evaluation for retention in the institution and in the program. Such procedures shall minimally include the requirements set forth in Article 21 of the School Code (105-BGS-5/Art. 21). The written procedures establish the criteria to be used at the checkpoints of:

- i) admission to the institution;
- ii) admission to teacher education, including, but not limited to, assessing proficiency in reading, mathematics and language arts;
- iii) admission to student teaching; and
- iv) at the time of recommendation for certification, the criteria used at the second and successive checkpoints shall be more rigorous than those used at the preceding checkpoint.

B) The institution has established and implemented procedures for assessing the candidate's abilities which were acquired prior to admission to the program and for planning the candidate's program in light of that assessment. A candidate's program may qualify for advanced placement or credit by successfully completing appropriate examinations or other assessment procedures as presented by a recognized institution.

C) The institution has not established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of race, color, national origin or irrelevant physical conditions. A national institution shall not have established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of sex.

D) The institution provides teacher education candidates with a written copy of students' responsibilities and rights and procedures for enforcing those responsibilities and rights. Causes for grievances shall include but not be limited to arbitrary or capricious institutional behavior in regard to:

- i) admission to a teacher education program;

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- ii) admission to the student teaching program or other clinical experience;
- iii) dismissal from the teacher education program; and
- iv) evaluation of the candidate's performance in courses clinical or student teaching settings or any other activity provided or required activity having a direct bearing on the candidate's being recommended for certification or for employment, or failure to recommend the candidate for certification when required in a timely fashion.

Such procedures shall allow students to be represented by an attorney.

B) The institution provides evidence of systematic counseling services designed to identify potential teacher education candidates and to provide advice and counsel to those considering enrolling or already admitted into teacher education programs. Such counseling shall include reliable information based on the institution's past experience concerning prospects for employment in the candidate's chosen field.

E) The institution has established written procedures and criteria for determining whether a candidate will be recommended for certification by entitlement.

3) General Features of Teacher Education Programs
These standards assess the institution's general capability to sponsor teacher education programs and its commitment to designing and redesigning teacher education programs responsive to the needs of public education in the State of Illinois.

A) The institution provides under its control or by contractual arrangement with other approved post-secondary institutions programs offering balanced and interrelated learning experiences:

- i) in the humanities, social sciences, and the natural sciences;

ii) in subject area(s) taught in Illinois public schools or necessary for preparation to assume supervisory school service or administrative roles in Illinois public schools; and

iii) in professional studies and experiences including clinical experience in school or community settings throughout the preparation period.

B) Institutions must enter into written agreements with authorities in charge of clinical sites. These agreements must describe the responsibilities of the candidate, the institution, and the clinical site.

- i) All clinical experiences must be supervised by qualified personnel;

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- ii) Student-teaching must be conducted under close and competent supervision. The institution must insure that the system of supervision generates enough valid documentation and evidence that a decision regarding a candidate's success or lack of success can be made and defended.
- e) The institution maintains a learning environment supportive of programs which provide candidates with awareness, appreciation and knowledge of cultural pluralism and a commitment toward the acquisition of skills on how to work with culturally distinctive students.
- B) The institution has established a continuous process for the evaluation of its teacher education programs and graduates. Evidence that the results of this evaluation together with consultation with school personnel and community persons and groups are used in the development of new programs and modification of existing programs shall be presented.
- b) Criteria for Approval of Programs
- Only those programs evidencing sufficient compliance with the following criteria will be approved. The term "program" refers to a structured sequence of learning activities and experiences which is designed to lead to a specific certificate and endorsement:
- i) Relationship of Program to Public-School Needs
- These criteria measure a specific program's relationship to the needs of public schools generally and those of Illinois public schools particularly.

- A) The program provides for acquisition of knowledge, attitudes and skills necessary for effective performance in specific teaching supervising school service or administrative roles.
- B) The program is a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public-school needs.
- C) The program develops the candidate's understanding and awareness of the unique nature of distinct cultural and ethnic groups as well as the relationships among these groups.
- B) The program provides evidence that its faculty has the opportunity to participate directly in elementary and secondary school programs or community service programs and that educational personnel working in the elementary and secondary schools have the opportunity to participate directly in the program in a role other than that of student.
- 2) The Design of the Program
- These criteria require that a program for the preparation of educational personnel demonstrate coherence and integrity:

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- A) The program has a rationale and related set of objectives which describe the intent of the program and which enable evaluation of it.
- B) The program includes study of theoretical formulations of learning processes and their pedagogical implications with emphasis on these implications for the candidate's specialization.
- C) The program provides learning experiences enabling candidates to become aware of and responsive to the varied educational needs and the distinct cultural backgrounds of students to the extent practicable in addition opportunities shall be available for candidates to acquire and demonstrate abilities to work with students of culturally diverse backgrounds.
- B) The program provides systematic procedures for evaluating the candidate's ability to teach supervisor or administer.
- B) The program provides for continuous evaluation including evaluation of current students and graduates and for program modifications based on evaluation.
- B) The program provides a sound basis for continued study and acquisition of knowledge and skills.
- 3) Program Resources
- These criteria require evidence that sufficient resources are allocated to support the program to insure its being conducted as described:
- A) The program is supported by adequate and sufficient faculty instructional resources and clinical settings.
- B) The program has and is attracting or is realistically expected to attract sufficient students to enable adequate evaluation of the program.
- C) Eligibility and Standards for Approval of Consortium Programs
- i) A consortium among recognized teacher education institutions in which one or more have an approved program in the area(s) in which the consortium wishes to sponsor programs will be approved upon meeting the following standard:
- A) The institution at which the student is enrolled as a teacher education candidate awards the degree and recommends certification.
- B) The arrangements are set forth in a written agreement between or among participating institutions with assurance that students enrolled in the consortium sponsored program should the institution agree to cease these efforts will be able to finish the program in a timely fashion.
- C) The consortium sponsored program is the same or virtually the same as the approved program.
- 2) A consortium among recognized teacher education institutions in which none of the institutions has an approved program in the proposed area(s) will be approved upon meeting the following

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standards:

- A) the institution at which the student is enrolled as a teacher education candidate awards the appropriate degree and recommends certification;
- B) the proposed program(s) meet(s) the criteria for programs presented heretofore;
- C) there exists a written agreement specifying the arrangements for the conduct of the consortium and program and the agreement provides that students enrolled in the program(s) will be allowed to complete the program(s) in a timely fashion should the consortium be disbanded;
- 3) A consortium among a recognized teacher education institution(s) and another approved post-secondary educational institution(s) or organization(s) not recognized for purposes of teacher education will be approved upon meeting the following standards:
- A) the degree and recommendation for certification are issued by a recognized teacher education institution;
- B) the proposed program(s) meet(s) the criteria for approval of programs presented heretofore;
- C) the nonrecognized institution or organization has been approved under applicable provisions of the Higher Education Act (16-110-1265-50);
- B) there exists a legally enforceable agreement or contract between and among participants in the consortium sponsored program describing arrangements, responsibilities, and financing of the operations and assuring that students enrolled in the program(s) will be allowed to complete the program in a timely fashion;

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 25.125 Fifth-Year Review

The requirements of this Section shall apply to Fifth-Year Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall occur between March 1 and May 31 and between September 1 and November 30 and shall be scheduled for the mutual convenience of the affected institution and the review panel. In addition to the requirements expressed by this Section, institutions seeking to achieve or retain accreditation by the National Council on Accreditation of Teacher Education (NCATE) shall submit to NCATE the number of copies of reports and other documents required by that organization.

- a) No later than March 1 (for a spring review) or September 1 (for a fall review) of the year before the year when its Fifth-Year Review will be held, the institution shall submit five copies of each curriculum portfolio that is due for review (which may, however, be communicated electronically when such communication is authorized by the State

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Superintendent). A program's curriculum portfolio is due for review if:

- 1) a portfolio for the program has never been reviewed before as part of the State program approval process;
 - 2) the portfolio was not reviewed by a State content-area review panel in the course of the institution's immediately preceding Fifth-Year Review;
 - 3) a significant change has been made in the program since the portfolio was most recently reviewed, e.g., a component has been added or deleted, the program's content has been altered, or changes have been made in the way in which the program addresses the relevant content standards established by the State Board of Education; or
 - 4) the content standards for the program have been changed and the change was effective no fewer than 18 months prior to the date for the Fifth-Year Review.
- b) Curriculum portfolios shall contain:
- 1) an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program;
 - 2) a description of the course of study, including field experiences, student teaching, and internships for candidates;
 - 3) a description of how the program meets the applicable content standards established by the State Board of Education;
 - 4) the program's faculty and its organizational location within the professional education unit; and
 - 5) the number of graduates from the program over the most recent three years.
- c) A panel established by the State Superintendent shall review the curriculum portfolio of each affected teacher preparation program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
- 1) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to subsection (b) of this Section.
 - 2) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
 - 3) No later than August 1 (before a spring visit) or February 1 (before a fall visit), the review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
 - 4) No later than November 1 (before a spring visit) or May 1 (before a fall visit), the affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (c)(3) of this

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- 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- d) No later than 60 days before the date of a scheduled review visit, the affected institution shall submit to the State Superintendent 30 copies of a narrative (which narrative, may, however, be communicated electronically when such communication is authorized by the State Superintendent) providing:
 - 1) an overview of the institution, including its mission, any special characteristics, a description of any branch campuses, and any other information that may help the review team understand the institution;
 - 2) either a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(b) of this Part, if the institution is also seeking to achieve initial accreditation of its educational unit by the National Council for the Accreditation of Teacher Education (NCATE), or a summary of changes and new initiatives for each category of those standards; and
 - 3) the unit's plans for developing and improving its professional education programs during the next five years.
- e) A review team shall be empaneled to conduct an on-site review to verify the information provided by the institution as required by subsection (d) of this Section. The review team shall be constituted as provided in subsection (e)(1) or (e)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.
 - 1) Institutions Not Seeking NCATE Accreditation

From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review. The review team shall be chaired by a staff member of the State Board of Education.
 - 2) Institutions Seeking to Achieve or Retain NCATE Accreditation

From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall select members to serve on a joint review team with representatives of NCATE's Board of Examiners to conduct the on-site review. The review team shall be co-chaired by a staff member of the State Board of Education and a member of NCATE's Board of Examiners.
 - f) The review team shall visit the institution and verify the degree to which the educational unit meets the standards referred to in Section

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25.115(b) of this Part.

- g) The review team shall prepare a draft report during the on-site visit, taking into account the recommendations arising from the review of curriculum portfolios as outlined in subsection (c) of this Section. This draft report shall be provided to the institution within 30 days after the conclusion of the visit for the purpose of allowing the institution to correct any factual errors.
- h) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
- i) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and the results of the portfolio review, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.
- j) After consideration of the information submitted pursuant to subsection (i) of this Section, the Certification Board shall convey to the State Superintendent a recommendation as appropriate to the circumstances, in keeping with the provisions of subsection (k) of this Section.
- k) To the extent possible, the possible outcomes of Fifth-Year Review shall mirror those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.
 - 1) Fifth-Year Review applies to educational units that have already been accredited by the State Board of Education in consultation with the State Teacher Certification Board. Further, pursuant to the provisions of Sections 25.135 and 25.137 of this Part, all existing educational units will undergo one Fifth-Year Review prior to July 1, 2003, during which the NCATE standards will be applied. All these educational units will therefore subsequently be treated procedurally as if seeking continuing accreditation from NCATE. When one of these institutions is subject to Fifth-Year Review, the State Teacher Certification Board may recommend that the State Board of Education:
 - A) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement; or
 - B) Place the educational unit on probation.
 - 2) The provisions of subsection (k)(1) of this Section notwithstanding, an institution not affiliated with NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Fifth-Year

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Review, a Fifth-Year Review shall be conducted as described in this Section, and the schedule for subsequent Fifth-Year Reviews shall be altered accordingly.) When this is the case, the State Teacher Certification Board may recommend that the State Board of Education:

- A) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s), and to recommend candidates for certification by entitlement; or
 - B) Continue the accreditation of the educational unit with stipulations, identifying deficiencies or areas of noncompliance that must be addressed by the institution within a specific timeframe not to exceed 18 months from the date of the stipulations; or
 - C) Place the educational unit on probation.
- 3) An institution to which stipulations have been issued pursuant to any provision of this Subpart C may submit to the State Superintendent of Education a written response indicating how the institution has addressed the stipulations at any time before the specified deadline. Staff of the State Board of Education shall convey the institution's response to the State Teacher Certification Board, which shall convey to the State Superintendent of Education its recommendation either:
- A) that the stipulations be removed; or
 - B) that the unit be placed on probation because one or more deficiencies have not been adequately corrected.
- 4) An institution whose educational unit has been placed on probation shall undergo another review visit not later than two years after probationary status is issued, with a schedule of intermediate visits to be established as the circumstances may warrant. Revocation of the unit's accreditation may be recommended by the State Teacher Certification Board to the State Board of Education based on a report from the staff conducting any such intermediate visit that yields evidence that needed improvements are not in progress, that previously identified deficiencies have worsened, or that new deficiencies have arisen. In the event that the probationary period extends for the full two years, however, the following requirements and procedures shall apply:
- A) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(D) of this Part.
 - B) A review team shall be empaneled as described in subsection (e) of this Section.
 - C) The review team shall visit the institution, verify the

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information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in subsections (f) and (g) of this Section.

- D) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
- E) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institution's report, the review team's report, the institution's letter of agreement or rejoinder, and the results of any portfolio review involved, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.
- F) After consideration of the information submitted pursuant to subsection (k)(4)(E) of this Section, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
 - i) Continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement; or
 - ii) Continue the accreditation of the educational unit with stipulations, identifying deficiencies or areas of noncompliance that must be addressed by the institution within a specific timeframe not to exceed 18 months from the date of the stipulations; or
 - iii) Revoke the educational unit's accreditation, thereby prohibiting the institution from conducting any teacher education programs and recommending candidates for certification by entitlement.
- G) An educational unit that retains its accreditation after a review visit pursuant to this subsection (k)(4) shall be subject to fifth-year Review again five years after that review visit.
- H) The State Teacher Certification Board shall also convey to the State Superintendent a recommendation regarding each teacher preparation program offered by the affected educational unit.
 - i) The Certification Board may recommend approval of programs that meet the applicable content standards; or
 - ii) The Certification Board may recommend provisional approval of programs whose curriculum portfolios are found to exhibit less than full compliance with the applicable content standards.
- M) No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent a revised curriculum portfolio, which

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shall be reviewed as provided in subsection (c) of this Section. Staff of the State Board of Education shall thereupon convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- 1) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or
- 2) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it; discontinuation of a program under these circumstances shall be subject to the requirements of Section 25.165 of this Part.

n) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

Section 25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)

The following procedures--outline--in--chronological--order--the--steps--to--be followed--when--an--institution--seeks--recognition--as--a--teacher--education institution:

- a) The--chief--executive--officer--of--the--institution--shall--notify--the Secretary--of--the--State--Teacher--Certification--Board--in--writing--of--the institution's--intent--to--seek--recognition--as--a--teacher--education institution;
- b) Upon--receipt--of--the--institution's--notice--the--Secretary--shall--notify appropriate--staff--in--the--State--Board--of--Education;
- c) State--Board--of--Education--staff--will--be--assigned--to--provide--assistance to--the--institution--as--it--prepares--the--documentation--required--to demonstrate--sufficient--compliance--with--standards--for--institutional recognition;
- d) Twenty--(20)--copies--of--this--documentation--are--to--be--supplied--by--the institution--to--the--Secretary--of--the--State--Teacher--Certification--Board;
- e) The--State--Board--of--Education--will--arrange--for--a--team--to--visit--the institution--with--expenses--of--the--team--borne--by--the--State--Board--of Education;
- f) The--State--Board--of--Education--staff--will--prepare--a--report--based--on--the institution's--documentation--and--the--visitation--which--will--be transmitted--to--the--Secretary--of--the--State--Teacher--Certification--Board;
- g) After--receiving--a--request--for--consideration--from--the--chief--executive officer--of--the--institution--the--Secretary--will--review--this--report--and file--a--recommendation--for--appropriate--action--with--the--State--Teacher Certification--Board;
- h) The--State--Teacher--Certification--Board--will--make--one--of--the--following

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- recommendations--to--the--State--Superintendent--of--Education--:
- 1) To--grant--recognition;
 - 2) To--grant--provisional--recognition--; or
 - 3) To--deny--recognition--.
- 1) The--State--Superintendent--of--Education--will--review--the--State--Teacher Certification--Board's--recommendation--and--will--notify--the--chief executive--officer--regarding--whether--recognition--is--granted--or--denied--.

(Source: Repealed at 23 Ill. Reg. _____, effective _____.)

Section 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 2000, but before July 1, 2003. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.

- a) Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation

1) Not later than 90 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a written description of the educational unit (which may, however, be communicated electronically when such communication is authorized by the State Superintendent) including:

- A) its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;
- B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation, and
- C) the written policies and procedures which guide the operations of the educational unit.

2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a narrative (which may, however, be communicated electronically when such communication is authorized by the State Superintendent) showing how the educational unit meets or plans to address each of the standards referred to in Section 25.115(b) of this Part.

3) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent

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five copies or, if authorized by the Superintendent, an electronic version of:

- A) a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and
- B) for one program selected by the institution, a sample curriculum portfolio that meets the requirements of Section 25.125(b) of this Part.

b) Institutions Seeking Continued NCATE Accreditation

- 1) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of, if authorized, an electronic version, and to NCATE the number of copies required by NCATE, of a report summarizing:

- A) changes and new initiatives for each category of the standards referred to in Section 25.115(b) of this Part; and
- B) the unit's plans for developing and improving its professional education programs during the next five years.

- 2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies or, if authorized, an electronic version of the material specified in subsection (a)(3) of this Section.

c) All Institutions

- 1) The requirements of subsection (a)(3)(B) of this Section may be met, at the institution's option, by presenting a portfolio that has already been prepared for review as part of NCATE's program review process.

- 2) A review team shall be empaneled as described in Section 25.125(e) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(f) and (g) of this Part.

- 3) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.

- 4) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and a statement as to whether the status report and curriculum portfolio comply with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.

- 5) After consideration of the material submitted, and based upon

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whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- A) Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or
 - B) Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit's accreditation or the approval of the affected program(s).
- d) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

Section 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 1999, but before July 1, 2000. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.

- a) Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation
- Each institution shall submit to the State Superintendent of Education the materials called for in Section 25.135(a) of this Part, according to the timelines specified in that Section, except that:

- 1) the analysis called for in Section 25.135(a)(3)(A) of this Part shall indicate how the institution will approach the restructuring of its teacher preparation programs to respond to content standards; and

- 2) the requirement for a curriculum portfolio (see Section 25.135(a)(3)(B) of this Part) shall not apply.

- b) Institutions Seeking Continued NCATE Accreditation
- Each institution shall comply with the requirements of Section 25.135(b) of this Part.

- c) All Institutions

- 1) A review team shall be empaneled as described in Section

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25.125(e) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(f) and (g) of this Part.

2) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.

3) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and a statement as to whether the status report complies with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.

4) After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- A) Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or
- B) Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit's accreditation or the approval of the affected program(s).

d) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)

- a) Institutions must present a completed proposal for a new or amended program six months before planned implementation of the program.
- b) Approval for a modified program must be sought when substantive but not nominal modifications in content, experiences, sequence, or procedures of an already approved program are proposed.

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c) Notice of nominal modifications shall be provided to the Secretary of the State Teacher Certification Board.

d) The following procedures shall be followed in seeking approval of a new or amended program:

- 1) The institution's designated chief educational officer shall notify the Secretary of the State Teacher Certification Board in writing of the institution's intent to seek approval of a teacher education program or substantive modification of a currently approved program.
- 2) Upon receipt of the institution's notice, the Secretary shall notify appropriate State Board of Education staff of the institution's intent.
- 3) State Board of Education staff will be assigned to provide assistance to the institution as it develops the documentation required to demonstrate sufficient compliance with criteria for program approval.

4) Twenty (20) copies of this documentation shall be transmitted to the Secretary of the State Teacher Certification Board.

5) State Board of Education staff will transmit a report of findings based on the institution's documentation to the Secretary of the State Teacher Certification Board.

6) After receiving a request for consideration from the institution's designated officer, the Secretary will review this report and file a recommendation for appropriate action with the State Teacher Certification Board.

7) The State Teacher Certification Board will make one of the following recommendations to the State Superintendent of Education:

- A) to grant approval;
- B) to grant provisional approval; or
- C) to deny approval.

8) The State Superintendent of Education will review the State Teacher Certification Board's recommendation and will notify the institution's designated officer regarding approval granted or denied.

e) The following procedures outline in chronological order the steps to be followed when approval for a consortium is sought:

- 1) An officer of a recognized teacher education institution designated by the participants in the consortium shall notify the Secretary of the State Teacher Certification Board in writing of the consortium's intent to seek approval of a program.
- 2) Upon receipt of notice, the Secretary shall notify appropriate State Board of Education staff of the institution's intent.
- 3) State Board of Education staff will be assigned to provide assistance to the institution as it develops the documentation required to demonstrate sufficient compliance with criteria for program approval.
- 4) Twenty (20) copies of this documentation are to be supplied by

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- the consortium and shall be transmitted to the Secretary of the State Teacher Certification Board.
- 5) if deemed necessary, the State Board of Education will arrange for a team to visit the institutions in the consortium with expenses of the team borne by the State Board of Education.
 - 6) State Board of Education staff will transmit a report of its findings based on the documentation and any visitation to the Secretary of the State Teacher Certification Board.
 - 7) The Secretary will review this report and file a recommendation for appropriate action with the State Teacher Certification Board.
 - 8) The State Teacher Certification Board will make one of the following recommendations to the State Superintendent of Education:
 - A) to grant approval;
 - B) to grant provisional approval; or
 - C) to deny approval.
 - 9) The State Superintendent of Education will review the State Teacher Certification Board's recommendation and will notify the designated officer regarding the kind of approval granted or denied.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 25.145 Approval of New Programs Within Recognized Institutions

- a) The procedures set forth in this subsection (a) shall apply beginning July 1, 2000, to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia. A consortium is a partnership involving two or more teacher education institutions with accredited educational units, or one or more such institutions and one or more not-for-profit organizations in the State which support excellence in teaching and/or among its members an institution of higher education whose schedule for Fifth-Year Reviews shall apply to the consortium's programs also.
 - 1) The institution shall submit to the State Superintendent of Education five copies of, if authorized, an electronic version of a curriculum portfolio meeting the requirements of Section 25.125(b) of this Part, showing how each proposed program meets the applicable content standards established by the State Board of Education.
 - 2) A panel established by the State Superintendent shall review the curriculum portfolio. The members of the panel shall be chosen from a pool of individuals with expertise in the respective content area.
 - a) The procedures set forth in this subsection (a) shall apply beginning July 1, 2000, to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia. A consortium is a partnership involving two or more teacher education institutions with accredited educational units, or one or more such institutions and one or more not-for-profit organizations in the State which support excellence in teaching and/or among its members an institution of higher education whose schedule for Fifth-Year Reviews shall apply to the consortium's programs also.
 - 1) The institution shall submit to the State Superintendent of Education 30 copies of a narrative or, if authorized, an electronic version demonstrating that:
 - A) the program provides for the acquisition of the knowledge,

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- A) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to Section 25.125(b) of this Part.
- B) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
- C) The review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
- D) The affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (a)(2)(C) of this Section.
- E) The interaction described in subsections (a)(2)(C) and (D) of this Section shall be repeated until the institution requests that the panel submit its final report.
- F) The review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- 3) Staff of the State Board of Education shall convey to the State Teacher Certification Board the report and recommendations resulting from the portfolio review.
 - 4) After consideration of the information and recommendations, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
 - A) approve the proposed new teacher education program(s), thereby authorizing the educational unit to conduct the program(s) and to recommend candidates for certification by entitlement; or
 - B) deny approval of the proposed program(s), thereby prohibiting the conduct of the affected program(s).
 - 5) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.
 - b) The requirements of this subsection (b) shall apply from July 1, 1999, through June 30, 2000, to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia.
 - 1) The institution shall submit to the State Superintendent of Education 30 copies of a narrative or, if authorized, an electronic version demonstrating that:
 - A) the program provides for the acquisition of the knowledge,

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attitudes, and skills necessary for effective performance in specific teaching, supervisory, school service, or administrative roles;

- B) the program consists of a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs; and

- C) the structure of the program will permit content standards established by the State Board of Education to be addressed once such standards become effective.

- 2) Staff of the State Board of Education shall convey to the State Teacher Certification Board the information submitted by the institution.

- 3) After consideration of the information and any pertinent staff recommendations, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

- A) Approve the proposed new teacher education program(s), thereby authorizing the educational unit to conduct the program(s) and to recommend candidates for certification by entitlement; or
- B) Deny approval of the proposed program(s), thereby prohibiting the conduct of the affected program(s).

- 4) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 25.150 The Periodic Review Process (Repealed)

Each recognized teacher education institution in the State of Illinois will be reviewed at least once every five years (the Fifth Year Review):

- a) The Secretary of the State Teacher Certification Board will notify institutions of the Fifth Year Reviews. Such notifications shall be given at least one academic year in advance of scheduled visits. The institution will be asked to identify acceptable dates within a ten-week span.

- b) After a visitation date has been established, a representative of the State Board of Education will be appointed to provide assistance to the institution as it prepares for the Fifth Year Review.

- c) The institution will prepare a self-study report with the assistance of the State Board's representative. Copies of this report will be delivered to the State Board of Education.

- d) A chairperson for the Fifth Year Review will be appointed by the Secretary of the State Teacher Certification Board. The chairperson will then select individuals to serve on the team visiting the

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institution:

- e) The team will visit the institution in most cases; the visit will last three days. All expenses of the visiting team will be paid by the State Board of Education. The team will assess the institution and its programs in terms of the institutional standards and program criteria found in Section 25.120 of this Part.

- f) Using the reports submitted by team members, the chairperson will compile a team report. The report will be submitted to individual team members and to the institution for validation of the accuracy of the report. Team members and the institution will provide any corrections to the team chairperson within a reasonable period of time.

- g) A fully validated report will serve as a basis for recommendations to be made to the State Teacher Certification Board. In all cases, the institution will be provided a copy of the final draft of the team report along with any recommendations.

- h) The State Teacher Certification Board will review the institutional self-study report, the validated team report, and any recommendations presented by the State Board of Education staff. A representative of the institution is encouraged to be present at the time the results of the fifth year review are considered by the Board. The State Teacher Certification Board will recommend action to the State Superintendent of Education, who will notify the designated institutional officer of its action.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 25.155 Initial Recognition Procedures Effective July 1, 2000

The procedures set forth in this Section shall apply to initial recognition of an institution and the concurrent accreditation of the educational unit and approval of one or more teacher preparation programs within that institution on or after July 1, 2000.

- a) The institution shall submit to the State Superintendent of Education 30 copies or, if authorized, an electronic version of a report containing:

- 1) Information indicating that the institution meets the conditions described in Section 25.115(a) of this Part;
- 2) A written description of the educational unit, including:
- A) its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;
 - B) Identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation; and

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- C) the written policies and procedures which guide the operations of the educational unit; and
- 3) a narrative showing how the educational unit meets each of the standards referred to in Section 25.115(b) of this Part.
- b) With regard to each program for which approval is sought, the institution shall submit to the State Superintendent of Education five copies or, if authorized, an electronic version of a curriculum portfolio meeting the requirements of Section 25.125(b) of this Part. An institution shall submit its curriculum portfolios no later than March 1 (for a spring review) or September 1 (for a fall review) of the year before the year in which it anticipates being ready for institutional review pursuant to subsection (d) of this Section.
- c) A panel established by the State Superintendent shall review the curriculum portfolio of each proposed teacher preparation program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
- 1) No later than 30 days after the State Superintendent receives a portfolio, staff shall notify the affected institution as to whether the portfolio is complete pursuant to Section 25.125(b) of this Part.
- 2) An institution may provide additional material to complete a portfolio within 30 days after receiving a notification to the effect that a portfolio is incomplete.
- 3) No later than August 1 (before a spring visit) or February 1 (before a fall visit), the review panel shall notify the affected institution of any applicable standards not addressed in its portfolio, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.
- 4) No later than November 1 (before a spring visit) or May 1 (before a fall visit), the affected institution may submit revisions to a curriculum portfolio that may include descriptions of changes in the program made in response to the preliminary information provided by the panel pursuant to subsection (c)(3) of this Section.
- 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.

- d) From a pool of individuals who have been trained in the program approval standards and procedures, the State Superintendent shall empanel a team to conduct an on-site review to verify the information provided by the institution as required by subsection (a) of this Section. The review team shall be chaired by a staff member of the State Board of Education. The review team shall conduct the review visit, prepare its draft and final reports, and submit its final

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- e) report as provided in Section 25.125(f) and (g) of this Part. Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
- f) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report and the institution's letter of agreement or rejoinder.
- g) The Certification Board, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education:
- 1) Recognize the institution, accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or
 - 2) Recognize the institution, accredit the educational unit with stipulations, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved program(s) and recommend candidates for certification by entitlement (subject to the requirements of Sections 25.125(k)(2)(B) and (k)(3) of this Part); or
 - 3) Deny recognition of the institution, accreditation of the affected educational unit, or approval of one or more teacher education programs, thereby prohibiting the conduct of the proposed program(s).
- h) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 25.160 Notification of Recommendations; Decisions by State Board of Education

- a) The State Superintendent of Education shall notify an affected institution not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C.
- b) The affected institution may submit to the State Superintendent its comments regarding a recommendation by the State Teacher Certification Board, provided that:
- 1) such comments are submitted not later than 30 days after receipt of the notification; and
 - 2) the State Teacher Certification Board has recommended either accreditation with stipulations, probation, provisional program approval, a request for additional information, or denial or revocation of accreditation or program approval, as set forth in

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- any of Section 25.125(k)(1)(B), (k)(2)(B), (k)(2)(C), (k)(3)(B), (k)(4), (k)(4)(F)(ii), (k)(4)(F)(iii), or (m)(2). Section 25.135(c)(3)(B), Section 25.137(c)(4)(B), Section 25.145(a)(4)(B) or (b)(3)(B), or Section 25.155(g)(2) or (g)(3) of this Part.
- c) Such comments shall indicate why the institution disagrees with one or more portions of the Certification Board's recommendation and may refer to any document or exhibit that supports the institution's contention in this regard.
- d) The State Superintendent shall forward any such comments to the State Board of Education for its consideration along with the Certification Board's recommendation, as well as any analysis, records, or recommendations the State Superintendent may deem necessary.
- e) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution of the State Board's action.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 25.165 Discontinuation of Programs

An institution that plans to discontinue an approved program or cease offering teacher preparation programs altogether shall so notify the State Superintendent of Education no later than 30 days prior to taking such action, except that discontinuation of a program shall also be subject to the following additional requirements:

- a) The institution shall assure the State Superintendent that all students currently enrolled in any program scheduled for discontinuation will have an opportunity to complete the program.
- b) The institution shall supply to the State Superintendent the names and Social Security numbers of all students currently enrolled in any program scheduled for discontinuation.

(Source: Added at 23 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

Section 25.485 Provisional Recognition of Institutions (Repealed)

~~Provisional recognition may be awarded to those institutions which are in the process of developing a full program after one year in which classes are in operation.~~

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

SUBPART H: CLINICAL EXPERIENCES

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Section 25.620 Student Teaching

- a) The State Teacher Certification Board recognizes and accepts student teaching only when it is earned after completion of the sophomore year during the junior and senior years.
- b) Student teaching shall be a continuous experience equivalent to a minimum of ten eight weeks of sustained full-day student teaching.
- c) Student teaching shall be completed at the grade level(s) and in the area of specialization appropriate to the certificate sought. Additional student teaching may occur in areas for which the candidate meets the relevant requirements related to staff qualifications in 23 Ill. Adm. Code 1.
- d) Student teaching must be done under the active supervision of a cooperating teacher who is certificated and qualified to teach in the area and who is directly engaged in teaching subject matter or conducting learning activities in the area of student teaching.
- e) In order for a recognized Illinois teacher education institution to award credit for student teaching, the following requirements must be met:
 - 1) The student teacher must be enrolled in a student teaching course at the institution;
 - 2) The student teaching placement and plans must have the prior approval of a designated representative of the teacher education institution; and
 - 3) Plans for the student teaching experience must have been previously discussed and approved by the cooperating teacher.
- f) The student teacher shall not be used as a teacher or substitute teacher.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Proposed Action:
121.107 New Section
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A. Complete Description of the Subjects and Issues Involved: The New State Food Program is created to provide assistance with the food needs of persons who are ineligible for the Food Stamp Program solely due to citizenship requirements. Individuals must have been legally residing in the U.S. on 8/22/96 and must meet certain citizenship requirements to qualify. Individuals must be parents of children who receive federal food stamps or be age 60 through age 64 and not disabled. Those who qualify for the program will receive \$50 per month. The New State Food Program begins on February 1, 1999.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.20	Amendment	22 Ill. Reg. 21228
121.63	Amendment	22 Ill. Reg. 19984
121.91	Amendment	22 Ill. Reg. 19984
121.92	Amendment	22 Ill. Reg. 19984
121.105	Repealer	22 Ill. Reg. 19677
121.145	Amendment	22 Ill. Reg. 19984

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: Changes to this Part were not anticipated at the time of the Agendas.

The full text of the Proposed Amendment is identical to the Text of the Emergency Amendment that appears on page of this *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Numbers:
10.430
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment would allow a client who receives sheltered care services to be eligible for a State Supplemental Payment (ASPD cash assistance) effective the date of application with our Department. A sheltered care client's ASPD cash benefits (except for \$40) goes to the facility for sheltered care services.

Current rules allow cash assistance to begin no earlier than the 30th day after the date of application. As a result of this rulemaking, sheltered care clients will be able to pay for sheltered care services with cash assistance beginning with the date of application or date of entry into the facility, whichever is later.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

217/785-9772

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Sheltered care facilities
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent Regulatory Agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section

10.101 Incorporation by Reference
10.110 Applicability
10.120 Definitions
10.130 Assistance Programs
10.140 Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section

10.210 Rights of Clients
10.270 Notice to Client
10.280 Right to Appeal
10.281 Continuation of Assistance Pending Appeal
10.282 Time Limit for Filing an Appeal
10.284 Child Care
10.290 Voluntary Repayment of Assistance
10.295 Correction of Underpayments
10.300 Recovery of Assistance
10.310 Estate Claims
10.320 Real Property Liens
10.330 Filing and Renewal of Liens
10.340 Foreclosure of Liens
10.350 Release of Liens
10.360 Personal Injury Claims
10.370 Convictions of Fraud - Eligibility
10.380 Single Conviction of Fraud - Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section

10.415 Local Office Action on Application for Public Assistance
10.420 Time Limitations on the Disposition of an Application
10.430 Approval of an Application and Initial Authorization of Financial Assistance
10.438 General Assistance Approval Provisions
10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART C: APPLICATION PROCESS

Section 10.430 Approval of an Application and Initial Authorization of Financial Assistance

a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Temporary Assistance for Needy Families) shall be authorized effective 30 days after the date of application provided the case is eligible on that date.
Exception: Financial assistance for a client residing in a sheltered care facility shall be authorized effective the date of application, or the date of entry into the sheltered care facility, whichever is later.

b) Financial assistance for General Assistance shall be authorized effective:
1) Thirty days following the date of application.
2) If General Assistance (GA) is approved as a result of termination of Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (TANF) only) for certain non-financial reasons (see Section 10.270(f)), assistance shall be authorized with no gap if an application is filed within 30 days after the notice of termination of TANF or AABD or deletion (TANF only) (see also Section 10.270).

c) If the applicant is determined eligible for financial assistance, the notice (see Section 10.420) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Solid Waste
- 2) Code Citation: 35 Ill. Adm. Code 807
- 3) Section Numbers: Proposed Action:
807.105 Amended
- 4) Statutory Authority: 415 ILCS 5/5, 22, 22-01, 27, and 39
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of January 21, 1999, in R99-18, which is available at the address below. These amendments were proposed to the Board on November 2, 1998, in a motion to sever this docket from docket R98-29. The proposed amendments are to 35 Ill. Adm. Code 807 and 809. In the early 1990s, as a result of amendments by USEPA to its rules under the Resource Conservation and Recovery Act (RCRA), used oil management facilities became exempt from permitting requirements under state RCRA rules. During one of the hearings for docket R98-29, the Board's staff asked the Agency's staff about the existing exemption for used oil management facilities and the proposed exemption in docket R98-29 for used oil transporters. In the motion to sever, the Agency proposed permitting large-volume used oil management facilities but exempting small volume facilities. The Agency also proposed an exemption for used oil transporters who deliver to nonpermitted used oil management facilities.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R99-18 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Joel Sternstein at

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

312-814-3665.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This will affect facilities that manage used oil and transporters of used oil.
- B) Reporting, bookkeeping, or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was severed from docket R98-29 on December 17, 1998.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 807
 SOLID WASTE

SUBPART A: GENERAL PROVISIONS

Section
 807.101 Authority, Policy and Purposes
 807.102 Repeals
 807.103 Severability
 807.104 Definitions
 807.105 Relation To Other Rules

SUBPART B: SOLID WASTE PERMITS

Section
 807.201 Development Permits
 807.202 Operating Permits
 807.203 Experimental Permits
 807.204 Former Authorization
 807.205 Applications for Permit
 807.206 Permit Conditions
 807.207 Standards for Issuance
 807.208 Permit No Defense
 807.209 Permit Revision
 807.210 Supplemental Permits
 807.211 Transfer of Permits
 807.212 Permit Revocation
 807.213 Design, Operation and Maintenance Criteria
 807.214 Revised Cost Estimates

SUBPART C: SANITARY LANDFILLS

Section
 807.301 Prohibition
 807.302 Compliance with Permit
 807.303 Methods of Operation
 807.304 Equipment, Personnel and Supervision
 807.305 Cover
 807.306 Litter
 807.307 Salvaging
 807.308 Scavenging
 807.309 Animal Feeding
 807.310 Special Wastes

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

807.311 Open Burning
 807.312 Air Pollution
 807.313 Water Pollution
 807.314 Standard Requirements
 807.315 Protection of Waters of the State
 807.316 Application
 807.317 Operating Records
 807.318 Completion of Closure Requirements

SUBPART E: CLOSURE AND POST-CLOSURE CARE

Section
 807.501 Purpose, Scope and Applicability
 807.502 Closure Performance Standard
 807.503 Closure Plan
 807.504 Amendment of Closure Plan
 807.505 Notice of Closure and Final Amendment to Plan
 807.506 Initiation of Closure
 807.507 Partial Closure
 807.508 Certification of Closure
 807.509 Use of Waste Following Closure
 807.523 Post-closure Care Plan
 807.524 Implementation and Completion of Post-closure Care Plan

SUBPART F: FINANCIAL ASSURANCE FOR CLOSURE AND POST-CLOSURE CARE

Section
 807.600 Purpose, Scope and Applicability
 807.601 Requirement to Obtain Financial Assurance
 807.602 Time for Submission of Financial Assurance
 807.603 Upgrading Financial Assurance
 807.604 Release of Financial Institution
 807.605 Application of Proceeds and Appeal
 807.606 Release of the Operator
 807.620 Current Cost Estimate
 807.621 Cost Estimate for Closure
 807.622 Cost Estimate for Post-closure Care
 807.623 Biennial Revision of Cost Estimate
 807.624 Interim Formula for Cost Estimate
 807.640 Mechanisms for Financial Assurance
 807.641 Use of Multiple Financial Mechanisms
 807.642 Use of Financial Mechanism for Multiple Sites
 807.643 Trust Fund for Unrelated Sites
 807.644 RCRA Financial Assurance
 807.661 Trust Fund
 807.662 Surety Bond Guaranteeing Payment
 807.663 Surety Bond Guaranteeing Performance
 807.664 Letter of Credit

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

807.665 Closure Insurance
807.666 Self-insurance for Non-commercial Sites

SUBPART G: SITE-SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section
807.700 Cretex Pressure Pipe, Inc. Concrete Waste Disposal Site

APPENDIX A Financial Assurance Forms

ILLUSTRATION A Trust Agreement
ILLUSTRATION B Certificate of Acknowledgment
ILLUSTRATION C Forfeiture Bond
ILLUSTRATION D Performance Bond
ILLUSTRATION E Irrevocable Standby Letter of Credit
ILLUSTRATION F Certificate of Insurance for Closure and/or Post-Closure Care
ILLUSTRATION G Operator's Bond Without Surety
ILLUSTRATION H Operator's Bond With Parent Surety
ILLUSTRATION I Letter from Chief Financial Officer

APPENDIX B Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 21.1 and 22 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/5, 21.1, 22, and 27).

SOURCE: Adopted as an emergency rule and filed with the Secretary of State July 27, 1973; amended at 2 Ill. Reg. 16, p. 3, effective April 10, 1978; codified at 7 Ill. Reg. 13636; recodified from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; emergency amendment in R84-22A at 9 Ill. Reg. 741, effective January 3, 1985, for a maximum of 150 days; amended in R84-22B at 9 Ill. Reg. 6722, effective April 29, 1985; amended in R84-22C at 9 Ill. Reg. 18942, effective November 25, 1985; amended in R84-45 at 12 Ill. Reg. 15566, effective September 14, 1988; amended in R88-7 at 14 Ill. Reg. 15832, effective September 18, 1990; emergency amendment in R93-25 at 17 Ill. Reg. 17268, effective September 24, 1993, for a maximum of 150 days; amended in R90-26 at 18 Ill. Reg. 12451, effective August 1, 1994; amended in R96-1 at 20 Ill. Reg. 12459, effective August 15, 1996; amended in R99-18 at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 807.105 Relation to Other Rules

- a) Persons and facilities regulated pursuant to 35 Ill. Adm. Code 700 through 749 are not subject to the requirements of this Part or of 35 Ill. Adm. Code 811 through 817, except that used oil transfer facilities, used oil processors, used oil fuel marketers, used oil

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

burners, and petroleum refining facilities, as defined in 35 Ill. Adm. Code 739.100, will be required to obtain a permit under this Part. If ~~However, if such a facility also~~ contains one or more units used solely for the disposal of solid wastes, as defined in 35 Ill. Adm. Code 810.103, such units are also subject to requirements of this Part and 35 Ill. Adm. Code 811 through 817.

b) Persons and facilities subject to 35 Ill. Adm. Code 807, 809 or 811 through 817 may be subject to other applicable Parts of 35 Ill. Adm. Code: Chapter I based on the language of those other Parts. Specific examples of such applicability are provided as explained at 35 Ill. Adm. Code 700.102.

c) The requirements of 35 Ill. Adm. Code 810 through 817 are intended to supersede the requirements of this Part. Persons and facilities regulated pursuant to 35 Ill. Adm. Code 810 through 817 are not subject to the requirements of this Part. This Part does not apply to new units as defined in 35 Ill. Adm. Code 810.103.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Waste Hauling
- 2) Code Citation: 35 Ill. Adm. Code 809
- 3) Section Numbers: Proposed Action:
809.211 Amended
809.302 Amended
- 4) Statutory Authority: 415 ILCS 5/5, 22, 22.01, 27, and 39
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of January 21, 1999, in 899-18, which is available at the address below. These amendments were proposed to the Board on November 2, 1998, in a motion to sever this docket from docket 898-29. The proposed amendments are to 35 Ill. Adm. Code 807 and 809. In the early 1990s, as a result of amendments by USEPA to its rules under the Resource Conservation and Recovery Act (RCRA), used oil management facilities became exempt from permitting requirements under state RCRA rules. During one of the hearings for docket 898-29, the Board's staff asked the Agency's staff about the existing exemption for used oil management facilities and the proposed exemption in docket 898-29 for used oil transporters. In the motion to sever, the Agency proposed permitting large-volume used oil management facilities but exempting small volume facilities. The Agency also proposed an exemption for used oil transporters who deliver to nonpermitted used oil management facilities.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
809.101	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.102	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.103	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.104	Added	23 Ill. Reg. 83 (January 4, 1999)
809.105	Added	23 Ill. Reg. 83 (January 4, 1999)
809.201	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.202	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.203	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.204	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.205	Amended	23 Ill. Reg. 83 (January 4, 1999)
809.206	Amended	23 Ill. Reg. 83 (January 4, 1999)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 809.207 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.208 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.209 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.210 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.211 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.212 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.301 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.302 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.401 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.402 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.501 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.601 Repealed 23 Ill. Reg. 83 (January 4, 1999)
- 809.701 Amended 23 Ill. Reg. 83 (January 4, 1999)
- 809.802 Repealed 23 Ill. Reg. 83 (January 4, 1999)
- 809.910 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.911 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.912 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.913 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.914 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.915 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.916 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.917 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.918 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.919 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.920 Added 23 Ill. Reg. 83 (January 4, 1999)
- 809.921 Added 23 Ill. Reg. 83 (January 4, 1999)
- Appendix A Repealed 23 Ill. Reg. 83 (January 4, 1999)

- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Written comments concerning this rulemaking should reference 899-18 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Joel Sternstein at 312-814-3665.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This will affect facilities that manage used

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

oil and transporters of used oil.

B) Reporting, bookkeeping, or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was severed from docket R98-29 on December 17, 1998.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809

SPECIAL WASTE HAULING

SUBPART A: GENERAL PROVISIONS

Section
809.101
809.102
809.103

Authority, Policy and Purposes
Severability
Definitions

SUBPART B: SPECIAL WASTE HAULING PERMITS

Section
809.201
809.202
809.203
809.204
809.205
809.206
809.207
809.208
809.209
809.210
809.211

Special Waste Hauling Permits - General
Applications for Special Waste Hauling Permit - Contents
Applications for Special Waste Hauling Permit - Signatures and
Authorization
Applications for Special Waste Hauling Permit - Filing and Final
Action by the Agency
Special Waste Hauling Permit Conditions
Special Waste Hauling Permit Revision
Transfer of Special Waste Hauling Permits
Special Waste Hauling Permit Revocation
Permit No Defense
General Exemption from Special Waste Hauling Permit Requirements
Exemptions for Nonhazardous Special Waste Transporters Haulers

SUBPART C: DELIVERY AND ACCEPTANCE

Section
809.301
809.302

Requirements for Delivery of Special Waste to Haulers
Requirements for Acceptance of Nonhazardous Special or Hazardous
Waste from Transporters Haulers

SUBPART D: VEHICLE NUMBERS AND SYMBOLS

Section
809.401
809.402

Vehicle Numbers
Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: DELIVERY AND ACCEPTANCE

Section 809.202 Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters' Manifests

- a) No person may shall accept any special waste for disposal, storage or treatment within Illinois from a special waste transporter hauler unless the special waste transporter hauler has a valid nonhazardous special waste hauling permit or Uniform Program Registration and Permit issued by the Agency under Subpart B or J of this Part and concurrently presents to the receiver of the special waste, or the receiver's his agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste.
- b) No person may shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations. However, shipments of only used oil may be delivered to any person who is operating without a permit (under the exemption in 35 Ill. Adm. Code 807), a used oil aggregation point or a used oil collection center, as defined by 35 Ill. Adm. Code 739.100.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Community Care Program

- 1) Code Citation: 89 Ill. Adm. Code 240
- 2) Section Numbers:
240.230
240.1510
240.1520
240.1550
240.1555
240.1560
240.1565
240.1580
240.1605
- 3) Adopted Action:
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
- 4) Statutory Authority: 20 ILCS 105
- 5) Effective Date of Amendment(s): February 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 12, 1998 22 Ill. Reg. 9623
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version:
The following substantive changes have been made subsequent to the first notice period.
- Section 240.230
Subsections 240.230(a)(1)(D) and (F)
Inserted the term "individualized plan of care" in place of assessment process and service plan, respectively.
- Section 240.1510
Subsection 240.1510(f)
Edited the subsection from one paragraph (f) to subsections 240.1510(f)(1) through (4).
Subsection 240.1510(1)(3)(B)
Revised from ten clients "per month" to ten clients "per day".
Section 240.1560

DEPARTMENT ON AGING
NOTICE OF ADOPTED AMENDMENTS

Subsection 240.1560(b)(2)
Deleted "(successful completion means achievement of a grade of "C" or higher)".
Section 240.1580
Subsection 240.1580(d)
Replaced "current CCP rate" to retain existing "usual and customary rate" for homeaker alternative service.
Section 240.1930
Due to comment, the Department has retained the existing rule language with no changes.

In addition, edits were made in response to comment from the Joint Committee on Administrative Rules staff.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
240.260	Amendment	22 Ill. Reg. 15753
240.400	Amendment	22 Ill. Reg. 15753
240.410	Amendment	22 Ill. Reg. 15753
240.480	Amendment	22 Ill. Reg. 15753
240.715	Amendment	22 Ill. Reg. 15753
240.1010	Amendment	22 Ill. Reg. 15753
240.1440	Amendment	22 Ill. Reg. 15753
240.1535	Amendment	22 Ill. Reg. 15753
240.1610	Amendment	22 Ill. Reg. 15753
240.1650	Amendment	22 Ill. Reg. 15753
240.1655	Repeal	22 Ill. Reg. 15753
240.1660	Amendment	22 Ill. Reg. 15753
240.1661	Amendment	22 Ill. Reg. 15753
240.1665	Amendment	22 Ill. Reg. 15753
240.1720	Amendment	22 Ill. Reg. 15753
240.1800	Amendment	22 Ill. Reg. 15753

- 15) Summary and Purpose of Amendment: Rules are amended in Part 240 to recognize and incorporate recommended sections of national adult day service standards, and to address both alternative providers and the process for procurement of emergency services.

- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS REGISTER
DEPARTMENT ON AGING
NOTICE OF ADOPTED AMENDMENTS

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240

COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-housekeeping Service (Repealed)
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

240.420	Group Appeals
240.425	Informal Review
240.430	Informal Review Findings
240.435	Withdrawing an Appeal
240.436	Cancelling an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
240.451	Conduct of Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appearence
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section	
240.510	Application for Community Care Program
240.520	Who May Make Application
240.530	Date of Application
240.540	Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section	
240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

240.730 Plan of Care
 240.735 Supplemental Information
 240.740 Assessment of Need
 240.750 Citizenship
 240.755 Residence
 250.760 Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section
 240.800 Financial Factors
 240.810 Assets
 240.815 Exempt Assets
 240.820 Asset Transfers
 240.825 Income
 240.830 Unearned Income Exemptions
 240.835 Earned Income
 240.840 Potential Retirement, Disability and Other Benefits
 240.845 Family
 240.850 Monthly Average Income
 240.855 Applicant/Client Expense for Care
 240.860 Change in Income
 240.865 Application For Medical Assistance (Medicaid)
 240.870 Determination of Applicant/Client Monthly Expense for Care
 240.875 Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
 240.910 Written Notification
 240.915 Service Provision
 240.920 Reasons for Denial
 240.925 Frequency of Redeterminations (Renumbered)
 240.930 Suspension of Services
 240.935 Discontinuance of Services to Clients
 240.940 Penalty Payments
 240.945 Notification
 240.950 Reasons for Termination
 240.955 Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section
 240.1010 Nursing Home Prescreening
 240.1020 Interim Services
 240.1040 Intense Service Provision

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

Temporary Service Increase

SUBPART K: TRANSFERS

Section
 240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service
 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service
 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit
 240.1140 Transfer of Pending Applications
 240.1150 Interagency Transfers
 240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit
 240.1170 Caseload Transfer - Vendor to Vendor
 240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section
 240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors
 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
 240.1330 General Vendor and CCU Responsibilities (Repealed)
 240.1396 Payment for Services (Repealed)
 240.1397 Purchases and Contracts (Repealed)
 240.1398 Safeguarding Case Information (Repealed)
 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Community Care Program Case Management
 240.1400 Case Coordination Unit Administrative Minimum Standards
 240.1410 Case Coordination Unit Responsibilities
 240.1420 Case Management Staff Positions, Qualifications and Responsibilities
 240.1430 Training Requirements For Case Management Supervisors and Case Managers

SUBPART O: PROVIDERS

Section

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective February 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to

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expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 1, 1993; amended at 18 Ill. Reg. 5348, effective February 1, 1994; for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995; for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995; for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2436, effective **FEB 1 1999**.

SUPPART B: SERVICE DEFINITIONS

Section 240.230 Adult Day Care Service

Adult day care service is the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention; and promoting social, physical and emotional well-being in a structured setting.

a) Required Service Components

- 1) Assessment of the client's strengths and needs and development of an individual written plan of care for each client that establishes specific client goals for all service components to be provided or arranged for by the service provider.
 - A) The individual plan of care is to be established by the adult day service team consisting of Program Coordinator/Director and Program Nurse, and may include other staff at the option of the program Coordinator/Director.
 - B) The individualized plan of care is to be established not later than the fourth week of service.
 - C) The individualized plan of care shall address the needs identified by the Case Coordination Unit (CCU), as described in the Determination of Need (DON), Client Agreement - Plan of Care and approved by the client's Physician/Nurse

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- Practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730 of this Part.
- D) The individualized plan of care shall address the need identified by the service provider's staff and clients/caregiver during the individualized plan of care process.
 - E) The client, caregiver and other service providers shall have the opportunity to contribute to the development, implementation and evaluation of the individualized plan of care.
 - F) Reassessing the client's needs and reevaluating the appropriateness of the individualized plan of care shall be done as needed, but at least semi-annually.
- 2) A balance of purposeful activities to meet the client's interrelated needs and interests (social, intellectual, cultural, economic, emotional, physical and spiritual) designed to improve or maintain the optimal functioning of the client.
 - A) Activity programming shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests and abilities by providing for a variety of types and levels of involvement.
 - B) Time for rest and relaxation shall be provided as needed or prescribed.
 - C) Activity opportunities shall be available whenever the service provider's facility is in operation and clients are in attendance.
 - D) A monthly calendar of activities shall be prepared and posted in a visible place.
- 3) Provide/arrange for transportation with at least one vehicle handicapped accessible to enable clients to attend the adult day care center and participate in sponsored outings.
 - 4) Development of a written individualized adult day care plan of care which establishes specific goals and service components to be addressed and provided in the adult day care setting. The individualized plan of care is to be established within the fourth week of service by the adult day care team consisting of Program Coordinator/Director and Program Nurse and may include other staff at the option of the Program Coordinator/Director. The individualized plan of care will address the needs identified by the Case Coordination Unit (CCU) and established in the Client Agreement - Plan of Care prepared by the CCU and approved by the client's Physician/Nurse/Practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730. The client authorized representative/family member will be consulted and advised of the establishment of the individualized plan of care. Activities specified which have been delineated in this Section as service components will be included in the

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individualized plan of care--the individualized plan of care may be modified to reflect any change in the client's condition;

33) Nursing services--provided--by--the--program--Nurse--including evaluation of--the client's needs--routine health monitoring and supervision/administration of medication(s);

34) Assistance with or supervision of as-needed--with activities of daily living (e.g., walking, eating, toileting and personal care), as needed.

- 4) Provision of health-related services appropriate to the client's needs as identified in the provider's assessment and/or physician's orders, including health monitoring, nursing intervention on a moderate or intermittent basis for medical conditions and functional limitations, medication monitoring, medication administration or supervision of self-administration, and coordination of health services.
- 5) A daily meal meeting one-third of the adult "Recommended Daily Dietary Allowances" established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, 10th Revised Edition, 1989, no later amendments or editions are included. Supplementary nutritious snacks shall also be provided. Special diets shall be provided as directed by the client's physician.

- 6) Agency provision or arrangement for transportation, with at least one vehicle physically accessible, to enable clients to receive adult day service at the adult day service provider's site and participate in sponsored outings.

- 7) Provision of emergency care as appropriate in accordance with established adult day service provider policies and Section 240.1510 of this Part.

- 6) An activity program including--reality-orientation--activities designed to promote--the client's awareness--of--time--space--objects--and persons--re-socialization--and stimulation--activities to encourage--and assist--clients--to interact--with--staff--and other clients--and supportive counseling--active listening--attention to--expressed--client's--needs--and--suggestions--and guidance--to promote--interactions--with others--

- 7) Rest periods when needed or prescribed.
- 8) Maintenance of the client's individual case record in--adult--day care--files--as required--by Sections 240.340 and 240.350.

b) Ancillary Optimal Service Components

- 1) Ancillary services, including physical, occupational, speech and creative arts therapies may be provided by site staff or through contractual arrangements when needed by clients. If provided, ancillary services shall be within the framework of the individualized plan of care and in accordance with professional practice standards and applicable State and federal regulations.
- 2) Rehabilitative services, including physical therapy, occupational therapy, speech and hearing therapy--Personnel--qualified--to

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provide--these services--are adult day care staff who are licensed professionals--these services are to be provided--under--written direction--instruction--or order--of--the client's physician--Each treatment--and monthly progress notes--must be recorded.

- 2) Skilled nursing services, including, but not limited to, catheter installation, irrigations and care, dressings, enemas, oxygen therapy, suction/posturing, ostomy care and restorative nursing such as bladder retraining. (All above procedures/interventions require physician orders and shall be administered performed by a Registered Nurse, in accordance with the Illinois Nursing Act (225 ILCS 65).)

- 3) Shopping assistance.

- 4) Escort to medical and social services.
- AGENCY NOTE: Reimbursement for costs of ancillary optional services is not included in the unit rate paid by the Department and will not be paid by the Department.

c) Unit of Service

- 1) One unit of adult day care service is defined as one direct client contact hour (excluding transportation time) provided to a client. A direct client contact hour is defined as 60 consecutive minutes of active programming, i.e., providing one or a combination of the service components listed in subsections (a)(2)(4) through (7).

- 2) One unit of documented adult day service care transportation, provided by the adult day service care provider, is defined as a one-way trip per client to or from the adult day service provider's care site and the client's home. No more than two units of transportation shall be provided per client in a 24 hour period, and shall not include trips to a physician, shopping, or other miscellaneous trips.

- 3) For cases (including transportation, if specified in the plan of care) which the provider was unable to provide due to the client's absence without prior notification (see Section 240.350 of this Part), the provider shall be reimbursed as follows:

- A) Two and one half units of documented adult day care service per occurrence to a maximum of five units per client per State fiscal year.
- B) One unit of documented adult day service care transportation, provided by the adult day service care provider, per occurrence to a maximum of two units per client per State fiscal year.

- 4) Refer to Section 240.1950.

(Source: Amended at 23 Ill. Reg. ~~240.6~~ effective ~~240.6~~ FEB 1 1999)

SUBPART O: PROVIDERS

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Section 240.1510 Provider Administrative Minimum Standards

The provider shall assure:

- a) Confidentiality of client records is maintained as required by Section 240.340 of this Part.
- b) The type and amount of service is provided in accordance with the Client Agreement - Plan of Care as developed and authorized by the Case Coordination Unit (CCU).
- c) Money handling activities related to necessary shopping/errand activities including receipt procedures are monitored.
- d) Each job category has a job description, a wage range and the agency has personnel policies which include benefits, promotion and evaluation criteria.
- e) Each employee is provided a written job description which applies to his/her job category.
- f) A copy of current written personnel policies for his/her specific job category shall be available to all employees.
- g) Each employee is informed of the wage range for the specific job category at the time of employment and any subsequent revisions.
- h) Employee benefits and grievance procedures are clearly stated in writing and comply with both State and Federal regulations.
- i) Personnel records are maintained for each employee and include at least the following:
 - A) employee application;
 - B) annual face-to-face performance evaluation;
 - C) documentation of participation in initial training, in-service and other pertinent training (orientation in agency policies) is in accordance with Department training required by Sections 240.1535 and 240.1595 of this Part;
 - D) documentation of supervisory home and on-site visits, office conferences and evaluations; and
 - E) documentation to support qualifications.

ef) Observation of policies and procedures--to-control--the--spread--of infectious-disease

- 1) All Department required documentation to support units of service requested for reimbursement shall be retained for a minimum of three 5 years from the termination date of the provider's contract with the Department.

g) Ongoing quality improvement, reviewed at least annually, through:

- 1) Development, administration and evaluation of client/family satisfaction surveys;
- 2) Staff and community agency surveys;
- 3) Program and service reviews; and,
- 4) Implementation of changes based upon program and service review findings.

g) Observation of written policies and procedures to comply with the following, when applicable:

- 1) U.S. Department of Labor, Occupational Safety and Health

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2) Administration (OSHA) Regulation (29 CFR 1910.1030).

- 1) U.S. Department of Labor, Immigration and Naturalization Services (8 USC 1324(a) et seq.).
- 2) Drug Free Workplace Act (30 ICS 580).

3) Patient Self-Determination Act (42 USC 1396(a) et seq.).

- 4) Health Care Surrogate Act (755 ICS 40).

b) Observation of written policies and procedures to:

- 1) Control the spread of infectious diseases.
- 2) Assure non-discrimination in accordance with Section 240.320 of this Part and the Department's civil rights program.
- 3) Develop, maintain and protect administrative and client records.
- 4) Receive and resolve complaints.
- 5) Respond to emergency situations, including, but not limited to, care in a medical emergency, site-related emergencies (i.e., late pick-up of clients), client-related emergencies (i.e., clients leaving the site unattended), weather-related emergencies and vehicle/transportation emergencies.

i) Management staff from any applicant agency selected for a CCP adult day service contract shall be required to complete adult day service management training.

- 1) Training shall be completed by the provider prior to the award of a CCP adult day service contract from the Department.
- 2) At a minimum, the Provider Program Administrator or Program Coordinator/Director, if also functioning as the Program Administrator, shall complete this training.

3) Adult day service provider agencies are exempt from this training requirement if the agency:

- A) has prior adult day service experience of at least one year prior to application; and
- B) has served an average caseload of at least ten clients per day during that time; and
- C) is providing the adult day service on the date the application is signed or has a current CCP contract to provide adult day service.

(Source: Amended at 23 Ill. Reg. 2496, effective FEB 1 1996)

Section 240.1520 Provider Responsibilities

- a) Community Care Program (CCP) services shall be purchased only from providers determined capable and competent by the Department to provide such services, as described in Section 240.1635 of this Part.
- b) Providers in-home-care--providers shall carry general liability insurance in the single limit minimum amount of \$100,000 per occurrence. (The policies or current letters documenting all insurance coverage shall be available to the Department upon request.)
- c) Providers in-home-care--providers shall also carry the following

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insurance coverages:

- 1) volunteer protection equivalent to employees' coverage, (including coverage for volunteer drivers/escorts); and
- 2) motor vehicle liability, uninsured motorist and medical payments if staff transport clients in agency vehicles.
- d) All providers of CCP services must comply with all applicable local, State, and Federal laws, rules and regulations.
- e) A provider shall provide services to all CCP clients referred by the Case Coordination Unit (CCU), with the following exceptions:
 - 1) The client does not meet the adult day service provider's Admitt Bay-Care-Center's admission criteria.
 - 2) The plan of care is determined to be inappropriate in the professional judgment of the provider.
- A) The provider shall immediately notify the CCU of the provider's assessment and evaluation of the situation.
- B) The provider and the CCU shall work together to determine if a plan of care that adequately meets the client's needs can be developed.
- C) In the event the provider and the CCU cannot reach an agreement, the Department shall be contacted and shall determine the final resolution.
- 3) The provider is unable to accept all CCP referrals.
 - A) The provider shall request a cap on the number of clients to be served (service cap) in writing, to the Department.
 - B) Upon approval of the request, the provider assumes responsibility for managing intake to maintain the cap.
 - C) The Department will not approve a service cap for a contractor which is the only provider of homemaker service in the contract area.
- f) A provider shall not deviate from the client's plan of care without receipt of written instruction from the Department or the CCU on approved Department CCP forms, except in cases of emergency, client refusal of service or client failure to be home to receive service. Any temporary change or deviation from the plan of care must be documented by the provider in the client's file.
- g) It shall be the responsibility of the provider to advise the CCU of any change in the client's physical/mental/environmental needs need which the provider, through the direct service worker/supervisor, has observed, when such change would affect the client's eligibility or service level or would necessitate a change in the plan of care. It is the adult day service provider's responsibility to advise the primary caregiver and/or appropriate professional of any changes in the client's health or functional ability.
- h) All providers shall reply to requests by a client, by telephone or in writing, within 15 calendar days from the date of the request. The request and the response shall be documented in the client's file.
- i) The provider shall be responsible for the collection from the client of the incurred expense for care provided to the client in the

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following manner:

- 1) The provider shall be ~~is~~ responsible for billing the clients for whom they provide CCP services, once per month in the month following the provision of service, and in the manner prescribed by the Department. Such billings shall be based, for each client, upon the units of service provided and the fixed fee share rate for the client's incurred expense for care ~~except-as noted-in-subsection-(f)(4)-below~~.
- 2) Providers shall not require clients to pay a greater share of the cost of services prescribed in the plan of care than required by the Client Agreement - Plan of Care.
- 3) For ~~clients-who-are-required-because-of-income-to-pay-for-100-percent-of-their-services-charges-for-CCP-services-shall-be based-upon-the-units-of-service-multiplied-by-the-provider's contracted-rate-(refer-to-Section-340-9707)~~
- 34) If a client requests additional service from the provider other than that allowed by the Client Agreement - Plan of Care, the Department will not be billed for those additional units of service.
- j) Providers may accept partial or full payment from a third party for a client's incurred expense. However, the liability for the proportionate share, if third party payment is not received, remains with the client as indicated by the expense for care agreement executed by the client and included as an integral part of the Client Agreement - Plan of Care.
- k) Providers have the option of not billing a client for the incurred expense for care.
- l) Providers shall respond verbally or in writing to the client on any question presented to the provider either verbally or in writing, regarding the validity of a billing. If the question is not resolved to the satisfaction of the client, the provider shall advise the client of his/her right to appeal the question, and the provider shall assist the client in filing an appeal if requested or needed. The provider shall also advise the client that non-payment may result in discontinuance of CCP services. Providers may not discontinue services until authorized to do so by the CCU (refer to Section 240-935 of this Part).
- m) Providers shall submit a Vendor Request for Payment form which shall be received by the Department no later than the fifteenth day of the month following the month in which services were provided. The form shall state the number of units of service provided to each identified client during the service month. Reimbursement to the provider by the Department will be adjusted by calculating and deducting the client's incurred expense for care based upon the fixed fee share rate ~~except-as-noted-in-subsection-(f)(4)-above~~.
- n) Providers shall bill the Department for service rendered to clients in increments of full or one-half units only. Adult day service ~~care~~ providers shall bill for not less than one nor more than two 2 units

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of agency-provided--transportation to/from the adult day service care site per client for each 24-hour period in which adult day care service is provided to each client (refer to Section 240.1950 of this Part).

o) The provider shall advise the CCU of any failure by a client to pay a monthly bill rendered by the provider for services provided to the client for more than 30 calendar days from the date of the initial monthly billing. The provider may request the CCU to discontinue service to the client in default as stated above (refer to Sections 240.875 and 240.935 of this Part).

p) If the client makes payment to the provider for incurred monthly expense which has already been reimbursed to the provider by the Department, the provider shall reimburse the Department within 30 calendar days from the date of receipt of payment from the client.

q) Providers shall provide the Department with an annual audit report to be completed in accordance with Generally Accepted Auditing Standards and the Department on Aging audit guidelines.

1) The annual audit shall assure that homemaker providers are in compliance with the financial reporting requirements as outlined in Section 240.2020 of this Part. A Certified Public Accountant's (CPA's) opinion concerning the cost report shall be submitted with the audit. The CPA's opinion may be limited to:

- a) the provider prepared the cost report by using acceptable accounting methods to allocate cost; and
- b) the cost reports are supported by provider accounting records.

2) The audit report shall be filed at the offices of the Illinois Department on Aging, 421 East Capitol Avenue, #100, Springfield, Illinois 62701-1789, within six 6 months from the date of the close of the provider's business fiscal year.

(Source: Amended at 23 Ill. Reg. 2496 effective FEB 1 1996)

Section 240.1550 Standard Requirements for Adult Day Service Care Providers

a) An adult-day-care-provider shall carry general liability insurance in the single limit minimum amount of \$100,000 per occurrence. Policies certificates of insurance or copies of such or current letters documenting all insurance coverages shall be available at the adult day-care-site.

b) Each provider shall also carry the following insurance coverages:

- i) motor-vehicle-liability--uninsured--motorist--and--medical payments

2) volunteer--protection--(especially--coverage--for--volunteer driver/escort--equivalent-to-employees);

ac) An adult day service care provider shall have on file and utilize written procedures to:

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1) Manage storage and administration of medications, including:

- A) Storing and locking medications.
- B) Labeling medications brought to the adult day service provider's site.
- C) Ensuring that:

- i) Store-and-lock-medications.
- ii) Label-medications-brought-to-the-adult-day-care-center.
- iii) Ensure-that:

a) prescribed medication is administered by an appropriately licensed professional to those adult day service care clients who are determined unable to self-administer medications;

b) judgment of a client's inability to self-administer medications shall be documented by a physician's order or the Case Coordination Unit (CCU) plan of care and/or the adult day service Adult-Day-Care plan of care by the program nurse;

c) administration of all medications administered by the adult-day-service-provider-staff (prescription and non-prescription) are recorded in the client's case record; and

d) physician orders for medication are utilized and filed in the client's case record.

e) A facility which houses an adult day service care program (including satellite sites) shall meet the following criteria:

- i) A separate identifiable area must be designated for sole use by the adult day service care program, and a schedule established and posted for usage of any common program areas shared with other programs.
- ii) There shall be a minimum of 40 square feet of activity area per client. (Multiple-use areas must be pro-rated on both time and client basis.) The activity area in the square feet per client requirement is exclusive of exit passages and fire escapes, administrative space, storage areas, bathrooms, kitchen used for meal preparation, space required for equipment and gymnasiums or other areas when used exclusively for active sports.
- iii) All adult day service care providers shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of these rules or regulations of any agency of the United States or of any standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified.

A) State of Illinois Codes and Standards

Code or Standards

1) Ill. Plumbing

Agency

Department of

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Code (77 Adm.
Code 890)

- ii) Illinois Accessibility
Code (71 Ill.
Adm. Code 400)
Accessibility
Standards
illustrated
as adopted
pursuant to
enactment of the
Environmental
Barriers Act
(1986)
[410 ILCS 25]

Public Health,
Environmental
Health Protection
or their authorized
local designee

Capital Development Board
offers guidance
to design pro-
fessionals and
building code officials

regarding the
interpretation and
application of the
Illinois Accessibility
Code

NOTE:

It shall be
incumbent upon
the provider

to assure
that their facility
meets all applicable
requirements as
promulgated by
the Capital
Development Board.
(No written documentation
thereof shall be
required.)

- iii) Fire Prevention
and Safety
(1983) (41 Ill.
Adm. Code 100)

- iv) Illinois Vehicle
Code (1983)
Rev. Stat. 1993
Ch. 95-1/27
par. 3-108-et
seq. (625 ILCS
5/1-108-et-seq.)

- v) Food Service
Sanitation
(77 Ill. Adm.
Code 750)

Department of
Public Health,
Environmental
Health Protection

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vii) Illinois Human

Rights Act
(1983 Rev. Stat.
1993 Ch. 68
par. 1-101-et-seq.)
(75 ILCS 5/1-
101-et-seq.)

or their authorized
local designee
Department of Human
Rights

B) Other Codes and References

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National Fire
Protection
Association
and Office of
State Fire Marshal
shall inspect

+++

National Academy of
Sciences

C) In addition to compliance with the standards set forth

herein, all applicable local and state building, fire,
health and safety codes, ordinances and regulations which
are enforced by city, county or other local jurisdictions in
which the facility is, or will be, located must be observed
and documented through required inspections by appropriate
officials.

- 4) Each facility shall have posted an emergency plan for evacuation
and shall conduct quarterly fire drills in accordance with
subsection (b)(3)(B)(i). Documentation of the dates of the
fire drills must be on file at the facility.

- 5) Each facility shall maintain room temperatures in the facility of
not less than 70 degrees Fahrenheit and not more than 85 degrees
Fahrenheit by utilizing heating system/air
conditioning/circulating fans.

- 6) Each facility shall designate a dining area (equipped with a
sufficient number of chairs and table space) to accommodate the
daily number of clients.

- 7) Each facility shall have at least: one handicapped-accessible
bathroom facility that is physically accessible to disabled
persons for up to 12 clients and a minimum of two bathroom
facilities one physically accessible to disabled persons

- 8) Each facility shall have space for office equipment and storage
of supplies.

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- 9) Hot water temperatures shall be controlled to not exceed 119 degrees but not less than 99 degrees Fahrenheit in the bathroom facilities.
 - 10) Clients shall not be allowed in the kitchen if water temperatures are not controlled as required in subsection (b)(4)(9) above. Clients should not be allowed in areas where supplies/medications are stored or where a microwave is in use unless supervised.
 - 11) Each facility shall have at least one quiet place equipped with a reclining chair, cot or bed where a client may rest.
 - 12) Exit areas shall be clear of equipment and debris at all times and shall be equipped with monitoring and signaling devices to alert staff to clients leaving the facility unattended.
 - 13) One telephone shall be immediately available within the client activity area. A list of emergency numbers shall be posted by the telephone.
 - 14) Supplies and equipment for emergency first aid shall be immediately accessible to allocated client activity areas.
- (e) An adult day service care provider (including each satellite site) shall meet the following criteria relative to meals provided to clients (prepared on-site or contractual):
- 1) The adult day service care provider shall provide to each client one meal at mid-day meeting at least one-third of the adult "Recommended Dietary Allowances" established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences (10th Revised Edition). Supplementary nutritious snacks shall also be provided. The adult day service care provider shall provide modified diets as directed by the client's physician.
 - 2) Adult day service care providers (whether meals are prepared on-site or contractually) shall:
 - A) Have menus approved and so documented by the registered dietitian. Menus shall reflect portion sizes as appropriate.
 - B) Post menus in advance in a location visible to the client(s) within the adult day service facility day-care-center.
 - C) Assure that menus are planned for a minimum of four weeks on a menu form.
 - D) Develop methods and follow written procedures to control portion sizes and to meet the one-third daily recommended dietary allowances (refer to subsection (b)(4)(3)(B)(ii) above).
 - E) One employee at each adult day service site facility-day care-site, either handling/preparing or supervising the handling/preparing of foods, shall meet Food Service Sanitation guidelines issued by the Illinois Department of Public Health.
 - F) Have on file available-for-review and follow written procedures for receiving and storing food which must include:

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- i) verification of food quantities;
 - ii) checking and documentation of food temperatures at time of delivery and serving;
 - iii) equipment to be utilized;
 - iv) procedures to follow for foods that arrive above or below temperature, deteriorated food and food shortages.
- C) Ensure that catered meals are transported in equipment that maintains temperatures of hot food at 140 degrees Fahrenheit, or above, and cold foods at 41 45 degrees Fahrenheit, or below. Foods shall be maintained and served at the above temperatures at the adult day service care site.
- H) Ensure that all foods prepared on-site shall be maintained and served at 140 degrees Fahrenheit, or above, for hot foods and 41 degrees Fahrenheit, or below, for cold foods. Ensure that potentially hazardous foods (i.e., food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms) intended to be served cold shall be pre-chilled and transported/maintained at a temperature of 41 45 degrees Fahrenheit, or below. Potentially hazardous food intended to be served hot shall be transported/maintained at a temperature of 140 degrees Fahrenheit, or above.
- I) Ensure that potentially hazardous foods prepared on-site shall be prepared in accordance with required cooking temperatures as specified by the Illinois Department of Public Health (77 Ill. Adm. Code 750) and maintained until service at 140 degrees Fahrenheit, or above, for hot foods and 41 degrees Fahrenheit, or below, for cold foods.
- J) If food is prepared by a caterer, ensure that the registered dietitian has inspected the caterer's location and receives documentation that the caterer's operation complies with all health, sanitary and safety regulations. The adult day service care provider shall keep a copy of the current caterer's inspection certificates/letters on file.
- d) Adult day service provider vehicles that transport clients shall be equipped with a working two-way communications device and written procedures to be followed in the event of an emergency (refer to Section 240.1510(b)).
- e) Adult day service providers shall acquire and have on file an emergency contact and a recent photograph of each client for emergency purposes.

(Source: Amended at 23 Ill. Reg.

2406,

effective

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Section 240.1555 General Adult Day Service Care Staffing Requirements

- a) A separate and identifiable staff must be designated for sole use by the adult day service program.
- b) Each adult day service care provider shall have adequate personnel in number and skill (a minimum of two staff persons) at the adult day service care site to provide for:
- 1) program and fiscal administration;
 - 2) nursing and personal care services;
 - 3) nutritional services;
 - 4) planned therapeutic/recreational activities;
 - 5) obtaining prompt services of emergency personnel and hospitalization, if needed;
 - 6) immediately notifying the client's authorized representative or family member of any illness, accident or injury to the participant;
 - 7) provision/arrangement of transportation services to and from the adult day service care site;
 - 8) adequate record keeping;
 - 9) development, implementation and semi-annual quarterly review of individualized plans of care;
 - 10) program evaluation and marketing;
 - 11) supervision and evaluation of staff; and
 - 12) monitoring and meeting staff training needs; and
 - 13) maintenance of a clean and safe physical environment.
- c) The minimum ratio of full-time staff (qualified adult day service day care staff, trained volunteers or substitutes) or full-time equivalent (FTE) staff present at the adult day service care site to clients, when clients are in attendance, shall be:
- | | |
|-------|----------|
| Staff | Clients |
| 2 | 1 to 12 |
| 3 | 13 to 20 |
| 4 | 21 to 28 |
| 5 | 29 to 35 |
| 6 | 36 to 45 |
- 1) Add one additional staff person for each seven additional clients.
 - 2) Fifty percent or more of a staff member's time shall be spent in on-site direct service or supervision on behalf of one or more clients in order to be considered in the ratio.
 - 3) Exceptions from the mandated ratio of staff to clients can be

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made only with prior Department approval.

- d) Each adult day service care employee shall have:
- 1) Initial training totaling a minimum of 12 hours face-to-face training within the first week of employment (exclusive of orientation). A worker may be exempted from initial training by the provider if the worker has had previous documented training equivalent to 12 hours, with another CCP contracted agency, or in a related field, within the past two years prior to this employment or holds a CNA, RN, LPN, BA, BS, BSW or higher degree.
 - 2) A minimum of 12 hours continuing education per year shall be mandatory for all adult day service care employees. Initial training shall fulfill the in-service training requirement for new employees except when the worker is exempted from initial training as described in subsection (d)(1) above.
 - 3) Training on universal precautions, as appropriate to the adult day service site and as required by the U.S. Department of Labor, Occupational Safety and Health Administration (29 CFR 1910.1030).
 - 4) Training on emergency procedures as delineated in Sections 240.1510(b)(15) and 240.1550(d) and (e) of this Part, respectively.
 - e) Drivers of adult day service vehicles that transport clients, and at least two program adult day service staff, shall be certified in cardiopulmonary resuscitation (CPR) and trained in first aid, and at least one of such trained staff shall be on-site when clients are present.
- (Source: Amended at 23 Ill. Reg. 240.1550, effective FEB 1 1996)
- Section 240.1560 Adult Day Service Care Staff Qualifications
- a) The following staff shall be required of all adult day service care providers (with specified exceptions):
- 1) An Adult Day Service Care Program Administrator shall:
 - i) Meet the following qualifications:
 - 1) have a bachelor's degree in a health or human services, or related field (including social or health sciences, public administration or physical education) or be a Registered Nurse or Health Services Administrator; or
 - ii) demonstrate two years of progressively responsible supervisory experience in a program serving the elderly for each year of education being replaced (up to four years) in the disciplines defined in subsection (a)(1)(A)(i) above.
 - B) The responsibilities of the Administrator may be performed by the Program Coordinator/Director. If the Administrator's function is also performed by the Program Coordinator/Director, only the qualification requirements

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for Program Coordinator/Director apply.

- 2) An Adult Day Service **Care** Program Coordinator/Director shall meet the following qualifications:

A) Meet the following qualifications:
 iA) have a bachelor's degree in health or human services, social or health sciences, physical education, or related field; or
 iiB) be a Registered Nurse **registered-nurse**; or
 iiE) demonstrate two 2 years of progressively responsible supervisory experience in a program serving the elderly for each year of education being replaced (up to four 4) in the disciplines defined in subsection (a)(2)(A)(i) above.

B) Be on duty full time when clients are in attendance or have a qualified substitute (meets or exceeds the qualifications set out in subsection (a)(2)(A)(i) through (iii) of this Section).

- 3) A-Program-nurse-A44 program nurse shall:

A) be a Registered Nurse (RN R-N-) licensed by the State of Illinois; or
 ii) be a Licensed Practical Nurse (LPN L-P-N-) licensed by the State of Illinois under the supervision of an RN R-N- (RN may be contractual and must meet with the LPN to review plans of care and be available to provide direction as needed); and
 B) be on duty at least one-half of a full-time (FTE) work period when clients are in attendance, either as staff or on a contractual basis.

B) With written Department approval, the responsibilities of a program nurse may be performed by the Program Coordinator/Director or Administrator. If the Program Nurse function is performed by the Program Administrator or Program Coordinator/Director, that person must be full time, and must meet the qualifications for a program nurse and fulfill responsibilities for all assigned positions.

- 4) A transportation Driver/escort (provider employed or contractual) for those adult day service **Care** contractors who provide the transportation of service component shall meet all applicable requirements of the Illinois Vehicle Code (335-Rev-Stat--1993 ch-95-1/2-Par-1-100-et-seq-) [625 ILCS 5/2-100-et-seq].

- 5) Nutrition Staff:

A) Nutrition staff shall include:
 i) at least one staff person who meets the Food Service Sanitation guidelines issued by the Department of Public Health.
 ii) a Nutrition Consultant/Dietitian, either paid or in-kind, who shall be a registered member of the

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American Dietetic Association with experience in an agency setting; and approve menus for adult day service **Care** providers to meet requirements stated in subsection (B) below.

- B) The nutrition staff is responsible for providing daily meals meeting requirements specified in Section 240.230(a)(5).

b) The following optional staff, either contractual or employed by an adult day service **Care** provider, shall meet the specified qualifications:

- 1) A social service worker shall:

A) be under the direction of the Program Coordinator/Director;
 B) possess a Bachelor's degree in Social Work or a related field and have at least one year's work experience, preferably with programs for the elderly and disabled.

2) Program assistants **aides** shall have a high school diploma or general education diploma, or two 2 years of prior documented experience working in programs for the elderly, or demonstrate continued progress towards meeting the educational requirement of a general education diploma by current registration and evidence of successful completion of course work (successful-completion means achievement of a grade of C- or higher).

3) A medical consultant shall be a Medical Doctor (M.D.) licensed to practice medicine by the State of Illinois.

- 4) A rehabilitation consultant shall:

A) have a bachelor's degree from an accredited program;
 B) be licensed, registered or certified in accordance with requirements of the State of Illinois.

c) The following requirements shall apply to substitutes for staff positions and/or regularly scheduled volunteers utilized by an adult day service **Care** provider:

- 1) the adult day service **Care** provider shall have on file information documenting the same personal, health, administrative and professional qualifications as substitutes as are required of staff for whom they act as substitutes;
 2) persons agreeing to be available as substitutes or for use in emergencies shall sign a written statement kept on file at the adult day service site **Care-center**, certifying to their availability and agreement to serve in this capacity.
 The file of each person serving in this capacity shall contain such a statement for each calendar year of availability;
 3) volunteers shall complete an application indicating their reason for participation in the program and special skills;
 4) volunteers may serve in any capacity for which they are qualified (refer to subsection (c)(1) above);

5) substitutes and volunteers shall be supervised by the staff person supervising the function to which the volunteer or substitute is assigned;
 6) substitutes and volunteers who are not used to meet program

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requirements are exempt from initial and in-service training requirements.

(Source: Amended at 23 Ill. Reg. 2496 effective FEB 1 1999)

Section 240.1565 Adult Day Service Care Satellite Sites

a) A contracted adult day service provider may request in writing, authorization from the Department to develop a satellite site in the same geographic contractual area.

a) Day-to-the-entirement-nature-of-the-Community-Care-Program-(CCP)-an adult-day-care-facility-may-have-more-clients-referred-to-that facility-than-the-available-space-allows-(daily-census-maximum)-refer to-Section-240-1568-7-When-this-occurs-the-adult-day-care-provider has-2-options:

1) Advise-the-Care-Coordination-Unit-(CCU)-that-such-a-situation-is imminent-and-request-suspension-of-referrals-or

2) Request-in-writing-authorisation-from-the-Department-to-develop a-satellite-site-in-the-same-geographic-contractual-area

b) If--an-adult-day-care-provider-advises-the-CCU-of-the-imminence-of-its facility-reaching-the-daily-census-maximum--and--the-provider-states that--it--does--not--wish--to--expand--and--open-a-satellite-site--the-CCU shall-immediately-advice-the-Department-in-writing

1) The-Department-may-issue-a-Request-for-Proposal-(RFP)--for-an additional-provider--in-the-same-geographic-area-at-the-next appropriate-RFP-solicitation

2) The-contract-of-the-adult-day-care-provider-choosing-not-to-open a-satellite-site-shall-in-no-way-be-affected-by-the-issuance-of an-RFP/subsequent-contract-with-an-additional-provider

b) The provider shall notify the Department when the provision of service will begin at the satellite site. The site will be granted a contract based on the provider's assurances.

c) The Department will conduct an on-site review of the satellite site within the first 2-month period of service provision at the site.

(Source: Amended at 23 Ill. Reg. 2496 effective FEB 1 1999)

Section 240.1580 Standards for Alternative Providers

a) In the event that Community Care Program (CCP) services are not provided to an eligible applicant within the time limit specified in Section 240.910 of this Part, the eligible applicant may arrange to receive CCP homemaker services the amount-and-type-of-CCP-services-for which--he--or--she--has--been--determined-eligible-from-an individual or a home care agency of the eligible applicant's choice 15 calendar days from the date of the notice of eligibility. The Case Coordination Unit

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(CCU) shall approve the applicant's choice of individual or home care agency for homemaker services to be provided.

b) If there is an interruption of services provided to a client due to the failure of a contractual provider to provide such services, the CCU shall assist the client in locating an individual or home care agency.

c) Department shall authorize the individual or home care agency and shall designate a minimum of 15 calendar days of service provided by such alternative provider, if at the request of the alternative provider. A home care agency whose previously held CCP contract was terminated for cause shall not be authorized as an alternative provider.

d) The Department shall make payment on a monthly basis for such services at the rate which would have been paid an individual provider, if an individual is selected by the eligible applicant/client; or at the usual and customary rate of the home care agency/provider chosen by the eligible applicant/client to provide this service, if a home care agency is selected by the eligible applicant/client.

e) Payment shall continue in accordance with subsection (c) above, and only until such time as the Department's contractual provider initiates provision of CCP services to the client, at which time service by the alternative provider shall be immediately terminated. The CCU shall verbally notify the alternative provider and the client of the date upon which service shall be initiated by the Department's contractual provider.

f) Request for payment for services rendered by an individual alternative provider shall be submitted to the Department by the individual providing the service.

g) Payment for services rendered by a home care agency of the eligible applicant's/client's choice shall be made by the Department following submittal by the agency and processing by the Department of billing forms provided to the agency by the Department.

h) Payments shall be authorized in compliance with the State Prompt Payment Act (1981-Rev-Stat-1991-ch-217-par-139-461-et-seq) [30 ILCS 540/1-et-seq].

i) The Department shall be liable for its share of the cost of CCP services, as determined in accordance with Sections 240.855 and 240.870 of this Part.

j) The Department shall be responsible for the cost of the CCP for the first 30-day monthly expense for care incurred by the client for CCP alternative provider Alternative-Provider services shall be the responsibility of the client as set forth in Section 240.875 of this Part.

(Source: Amended at 23 Ill. Reg. 2496 effective FEB 1 1999)

SUBPART P: PROVIDER PROCUREMENT

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Section 240.1605 Procuring Provider Services

- a) ~~The services procured pursuant to this Part are considered by the Department to be professional services to protect the health and safety of the community care program (CCP) client. Although the Department is not required to competitively bid purchase of care service contracts professional services, in order to maximize competition in the procurement of Community Care Program (CCP) services the Department shall, whenever possible, procure these services through use of the Request for Proposal process described in this Subpart.~~
- 1) The Department shall solicit proposals for the provision of CCP services in accordance with the procurement cycle specified in Section 240.1610 of this Part.
- 2) The Department shall also solicit proposals whenever the Department determines it is necessary to ensure that the best interests of the client population are met.
- b) If, after evaluation of the responses to the Request for Proposal process, the Department determines not to make an award, or if time does not permit the use of an advertised procurement action, the Department shall secure needed services through any means of selection likely to result in a contract.
- 1b) The Department shall use the following emergency contracting process to obtain CCP homemaker service, if time does not permit the use of an advertised procurement action--as specified in Section 240.1610 of this Part--after evaluation of the responses to the Request for Proposal process--the Department determines not to make an award--
- A) The Department shall contact current CCP providers of homemaker, the same or similar service in the emergency contracting area in order to issue a temporary negotiated contract(s) under this Part's established fixed unit rates (refer to Subpart 240.1610 of this Part).
- B) If current CCP homemaker provider(s) in the emergency contracting area will not accept a temporary negotiated contract, the Department shall subsequently contact participants in the previous CCP procurement for that area whose proposals for homemaker the needed service were evaluated and met the minimum requirements.
- C) If no participants in the previous CCP procurement will accept a temporary negotiated contract, the Department shall contact current CCP providers of homemaker the same or similar service in geographic areas contiguous to the emergency contracting area.
- D) If the Department is unable to issue a temporary negotiated homemaker contract(s) at established fixed unit rates, the Department shall issue a temporary negotiated homemaker contract(s) at alternative unit rates.

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- A) The Department shall advertise to obtain solicit said bids for alternative unit rates through advertisements in the official State-News paper--as specified in Section 240.1610 of this Part--if the Department has insufficient time to solicit for alternative unit rate bids through an advertised procurement, or if the Department determines not to accept an alternative unit rate bid resulting from the formal advertised bid solicitation, verbal bids for alternative unit rates shall be solicited from current CCP providers of homemaker the same or similar service in the emergency contracting area.
- 11) If a current CCP homemaker provider(s) did/does not submit a verbal bid for an alternative unit rate, or if the Department determines not to accept an alternative unit rate bid, verbal bids shall subsequently be solicited from participants in the previous CCP procurement for that area whose submitted proposals for homemaker the needed services were evaluated and met minimum requirements.
- 12) If no participants in the previous CCP procurement submit a verbal bid for alternative unit rates, or if the Department determines not to accept an alternative unit rate bid, the Department shall contact current CCP providers of homemaker the same or similar service in geographic areas contiguous to the emergency contracting area in order to solicit verbal bids for alternative unit rates.
- 2) The Department shall secure emergency adult day service through any means of selection likely to result in a contract.
- 3) Contracts issued as a result of the emergency contracting process shall be effective until the County/Sub-County is opened for the regular procurement cycle (refer to Section 240.1610 of this Part).
- 4) If the Department is unable to issue a temporary negotiated contract, the Department shall take action to ensure continuation of service to clients, if possible.
- c) The Department shall procure services through the emergency contracting process or through any other means of selection likely to result in a contract under the following circumstances:
- 1) service is immediately needed to prevent interruption of services to current clients, and/or
 - 2) service is immediately needed to protect a client's health, safety or welfare, and/or
 - 3) service is of such a nature or the market place is such that only one provider is reasonably capable and willing to perform the requisite service(s), and/or
 - 4) to establish new or additional services in an area in which the

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Department has determined an underserved population exists.

(Source: Amended at 23 Ill. Reg. 2496, effective FEB 1 1999)

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- 1) Heading of the Part: Administrative Case Reviews and Court Hearings
- 2) Code Citation: 89 Ill. Adm. Code 316
- 3)

Section Numbers:	Adopted Action:
316.10	New
316.20	New
316.30	New
316.40	New
316.50	New
316.60	New
316.70	New
316.80	New
316.90	New
316.100	New
316.110	New
316.120	New
316.130	New
316.140	New
- 4) Statutory Authority: 20 ILCS 505; 705 ILCS 405; 325 ILCS 5; 750 ILCS 50
- 5) Effective Date of Rule: February 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 22, 1998 at 22 Ill. Reg. 8597
- 10) Has JCPR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:

Section 316.30, Administrative Case Review System

In subsection (b)(4), "or foster parents" was added immediately following "child, family".

Section 316.40, Frequency of Administrative Case Reviews

In subsection (d), reference to "Cook County and counties other than Cook" was deleted.

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Section 316.50, Conduct and Participation at Administrative Case Reviews

In subsection (f), all language following "legal representative" was deleted.

Section 316.130, Casework Responsibilities at the Permanency Hearing

In subsection (a)(3), after "progress of the parent to date toward", the following language was inserted: "compliance with the service plan and progress toward".

All other differences between the proposal and the final version are typographical corrections.

12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreements issued by JCPR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: This new set of rules separates the review and oversight functions of the Division of Administrative Case Review and of the courts from the case planning function of direct service staff. Prior to these rules, both activities were contained in one set of rules, 89 Ill. Adm. Code 305, Client Service Planning. In addition, court permanency hearings required by the permanency legislation of 1997 were added.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
(217) 524-1983
TDD: (217) 524-3715
E-Mail: ORINFO@pop.state.il.us

The full text of the adopted rules begin on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 316

ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

Section	Purpose
316.10	Definitions
316.30	Administrative Case Review System
316.40	Frequency of Administrative Case Reviews
316.50	Conduct and Participation at Administrative Case Reviews
316.60	Notice of Administrative Case Reviews
316.70	Roles and Responsibilities of the Administrative Case Reviewer
316.80	Caseworker Responsibilities at the Administrative Case Review
316.90	Decision Making
316.100	Department's Role in the Juvenile Court
316.110	Permanency Hearings
316.120	Caseworker Responsibilities at the Permanency Hearing
316.130	Compliance with the Client Service Planning Requirements
316.140	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5), Section 7.1 of the Abused and Neglected Child Reporting Act (325 ILCS 5/7.1), the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 675), Section 2-5 of the Juvenile Court Act of 1987 (705 ILCS 405/2-5), and Section 1 of the Adoption Act (750 ILCS 50/1).

SOURCE: Adopted at 23 Ill. Reg. **2528** effective **FEB 1 1999**.

Section 316.10 Purpose

The purpose of this Part is to describe the independent review processes required by federal and State law for the purpose of ensuring that children and families who receive services from the Department or its provider agencies have participation and periodic review to determine and ensure safety, well-being, and permanency.

Section 316.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the

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subjects of the review. (42 USC 675) The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in Section 316-50 (Conduct and Participation at Administrative Case Reviews).

"Administrative case reviewer" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

"Parents" means the child's legal parents, including adoptive parents, whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in Permanency Planning (89 Ill. Adm. Code 315.20).

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, and care provided in a child care or other institution.

Section 316.30 Administrative Case Review System

- a) The Department has an administrative case review system for all the children in placement and their families. Administrative case reviews are conducted for children living in foster family homes, relative homes, group homes, child care institutions, youth emergency shelters, or detention, correctional, mental or physical health related facilities. In addition, the Department may elect to conduct

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administrative case reviews on other groups of children as fiscal and staffing resources permit.

- b) Case reviews are conducted in order to:

- 1) assure that parents and the children (if participating in the planning) are involved in and collaborating in development of the plan and understand and discuss the plan and know what is expected of them;
- 2) review whether the Department's continuing intervention is necessary;
- 3) review whether services, including placement services, are necessary, relevant, coordinated, and appropriate and address the health and safety needs of the child;
- 4) identify services needed but that are not being provided to the child, family or foster parents and the reasons why they are not being provided;
- 5) review the disability status of a child to determine the need for and/or appropriateness of specialized services;
- 6) review the appropriateness of the child's educational placement and the child's educational progress and recommend changes to the caseworker, with information on the child and family;
- 7) review any special physical, psychological, educational, medical, emotional or other needs of the minor or his or her family that are relevant to a permanency or placement determination;
- 8) review, for any minor age 16 or over, programs or services that will enable the minor to prepare for independent living;
- 9) review whether the Department, the service providers, the family, the substitute care provider, if any, and the child are complying with the service plan and, if they are not complying, whether changes in the service plan or goals are needed;
- 10) review whether there is progress to resolve the child's and family's problems and whether the progress is satisfactory and whether the child can safely return home;
- 11) review whether the projected month for achieving the permanency goal should be changed;
- 12) review the appropriateness of the permanency goal and recommend changes in the goal (if appropriate);
- 13) review and finalize the service plan for the next period, including an analysis of:
 - A) the appropriateness of the services contained in the plan and whether those services have been provided and, if not, why not;
 - B) whether reasonable efforts by the Department, and reasonable progress by the family, have been made to achieve the goal;
 - C) whether the plan and goal have been achieved;
- 14) refer the case for a family meeting as described in 89 Ill. Adm. Code 315.120 (Family Meetings) when one has not been conducted; and

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16) report findings and make recommendations.

Section 316.40 Frequency of Administrative Case Reviews

- a) The first administrative case review shall be conducted within 90 days after the temporary custody hearing.
- b) The second administrative case review shall be conducted within six months after the temporary custody hearing.
- c) Following the six month administrative case review, administrative case reviews shall be conducted every six months thereafter.
- d) Additional Administrative Case Reviews may schedule more frequent case review on cases that require more than the scheduled 18-month review. Such cases may be ones in which it is important that follow-up to the recommendations made at the last administrative case review is monitored. For example, cases for which concurrent planning, as described in 89 Ill. Adm. Code 315 (Permanency Planning) is being utilized. The caseworker and supervisor must attend administrative case reviews scheduled by the Division of Administrative Case Review outside of the normal cycle.

Section 316.50 Conduct and Participation at Administrative Case Reviews

Administrative case reviews shall:

- a) be convened by a professional staff member from the Department's Division of Administrative Case Review;
- b) include the worker and/or supervisor from the Department and/or the substitute care provider agency that has case responsibility for both the children and the family;
- c) be open to the participation of the children's parents and their representatives. However, if parents are known to be violent and potentially dangerous to other participants in the review, they will be excluded. If a petition seeking the termination of parental rights has been filed, these parents will be invited to the review until a final decision has been made on the petition;
- d) be open to the participation of children 12 years of age or older with consideration given to the material in the review and the benefits of having the child present. Younger children may attend if the caseworker and supervisor determine that the child can benefit from participation in the review process;
- e) be open to the participation of the foster parents or relative caregivers in the section of the review for the child in their care. Foster parents or relative caregivers may be invited to participate in the review process. The review should be conducted in a manner that provides the information being requested to the review is essential for understanding the needs of and providing care to the child. When a positive relationship exists between the foster parent or relative caregiver and the child's family, the child's family may consent to

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disclosure of additional information [20 ILCS 520/1-9] in accordance with the consent provisions of 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department);

- f) be open to the participation of the child's guardian ad litem or legal representative;
- g) be conducted in the office serving the parent's county of residence, if known, unless the parent agrees to travel to another office that is within the State of Illinois;
- h) focus on the issues described in Section 316.30 (Administrative Case Review system); and
- i) be recorded by a written report of their findings.

Section 316.60 Notice of Administrative Case Reviews

A written notice of the date, time, place and purpose of the administrative case review shall be mailed within 21 calendar days prior to the review to ensure that the notice is received 14 days prior to the scheduled review to the following:

- a) the parents. The notice shall also inform them of their rights to bring a representative with them to the review;
- b) the child, if participating in the review per Section 316.50(d);
- c) the child's foster parents or relative caregiver;
- d) the purchase of service provider agency caseworker (if applicable); and
- e) the child's legal representative. The caseworker is responsible for providing the name and address of the child's legal representative and all parties that are to be invited to the review.

Section 316.70 Roles and Responsibilities of the Administrative Case Reviewer

a) The administrative case reviewer has the responsibility and authority to manage the case review process, which includes:

- 1) excluding or limiting participation, as needed, to those with a right to share in the process, or excluding or limiting participation of any individual when necessary to promote the achievement of the purposes of the review;
 - 2) convening and conducting a review in such a way as to encourage discussion and participation while respecting the rights and culture of all participants;
 - 3) maintaining the focus of the group on the service plan with good time management; and
 - 4) advising clients and other participants of their rights and providing an explanation of the purposes of the administrative case review process, ensuring disclosure of the review process.
- b) The administrative case reviewer shall ensure that the review complies with Department rules and procedures and is consistent with good child welfare practice and in compliance with 42 USC 675 and any State or federal court consent decree affecting Department practice. This

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responsibility includes:

- 1) ensuring that the purposes of the administrative case review are carried out;
- 2) determining that the goal and the evaluation of progress are consistent with the facts of the case as presented at the administrative case review, that the outcomes, tasks and time frames are appropriate for the goal, and amending or changing the case plan accordingly;
- 3) recommending modification or change in the case plan, when in the reviewer's professional judgment the plan or goal is insufficient based on information presented at the review. The reviewer, however, may not change a permanency goal established by the court;
- 4) convening administrative case reviews sooner than the regularly scheduled case reviews when the facts of the case indicate the need for a review;
- 5) recommending a family meeting as described in 89 Ill. Adm. Code 315.120 (Family Meetings); and
- 6) providing a written report of their findings.

Section 316.80 Caseworker Responsibilities at the Administrative Case Review

The caseworker's responsibilities at the administrative case review will be to:

- a) present a completed service plan, based on the assessment and developed in collaboration with the family;
- b) present a recommendation regarding the permanency goal;
- c) report on the placement, best interests, health, safety, and well-being of the child;
- d) report on the progress of the parent to date toward changing the behaviors and conditions that require the child to be in out-of-home care;
- e) provide a statement as to whether the child can return home, and, if so, when and with what supports;
- f) provide the casework rationale and supporting documentation for all decisions and recommendations.

Section 316.90 Decision Review

- a) When a service provider, including foster parents or relative caretakers, or the child's caseworker with supervisory approval, disagrees with any portion of the service plan, including any amendments made by the administrative case reviewer, the provider will be entitled to a review of the issue. Amendments that are the result of decisions made by the court at the permanency hearing or are the result of any other court order are not subject to a decision review.
- b) Requests for a decision review shall be directed, within five working days after the administrative case review, to the Deputy Director of Administrative Case Review.

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- c) A decision review conference shall be held within ten working days after the receipt of the request. A final decision will be made by the Deputy Director of Administrative Case Review or designee, within ten working days after the conference.
- d) Except when an issue affects compliance with a court order or the residual rights of parents, implementation will be stayed until the decision review conference is held. The residual rights of parents as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] include the rights to visitation, to consent to adoption and to determine the minor's religious affiliation.
- e) If changes to the service plan are required by the decision review, copies of the changes will be sent to all those who are entitled to a copy of the service plan with a notice of the specific changes made, the reason for the changes and a statement of the right to appeal any such changes.

Section 316.100 Appealability of Decisions

When children and/or parents disagree with any portion of the service plan resulting from recommendations made at the administrative case review, they may request a hearing in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

Section 316.110 The Department's Role in the Juvenile Court

- a) The Department shall inform the Juvenile Court of the Department's planning for the children and families it serves and of their progress toward those goals.
- b) When in the Juvenile Court, the Department shall provide information and recommendations to the court and the parties and shall recommend that the court keep families together in all instances when it is consistent with the children's best interests, health, safety, and well-being. In those instances when children must be removed from their parent's care, the Department shall recommend that the court reunite children for whom the Department is legally responsible with their families as soon as returning home is consistent with their best interests, health, safety and child's well-being. Finally, when it is clear to the Department that the child's health and safety needs cannot be met by the parents and it is in the child's best interests, the Department will provide that information to the court and recommend that the court establish other permanency goals.
- c) When the Department has legal responsibility for a child, a representative of the Department or its provider agency shall attend all hearings required by the court. At each hearing the Department or its provider agency shall provide information relating to the child's placement, best interests, health, safety, and well-being, and make any appropriate recommendations. Such hearings include:
 - 1) the temporary custody hearing;

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- 2) the adjudicatory hearing;
- 3) the dispositional hearing;
- 4) permanency hearings (as described in Section 316.120 below); and
- 5) all other hearings the court may require.

Section 316.120 Permanency Hearings

- a) The Department or its provider agency will participate in permanency hearings conducted by the court at 12 months following the temporary custody hearing and every six months thereafter in order to:
 - 1) select the permanency goal;
 - 2) review the appropriateness of the services contained in the plan and whether those services have been provided and, if not, why not;
 - 3) determine whether reasonable efforts have been made by all parties to the service plan to achieve the goal; and
 - 4) evaluate whether the plan and goal have been achieved.
- b) The Department or its provider agency shall provide, no later than 14 days in advance of the hearing, a copy of the most recent service plan, prepared within the prior six months, to the court and all parties to the permanency hearings.
- c) If not contained in the plan, the Department or its provider agency shall also include a report setting forth:
 - 1) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination; and
 - 2) for any minor age 16 or over, a written description of the programs or services that will enable the minor to prepare for independent living.
- d) The Department's or its provider agency's written report must explain why, if the goal is other than return home, continued involvement is appropriate and why termination of parental rights or private guardianship is not being sought.
- e) The Department's or its provider agency's caseworker is required to appear and testify at the hearing and prepare a written report for the court.

Section 316.130 Caseworker Responsibilities at the Permanency Hearing

- a) The caseworker's responsibilities at the permanency hearing will be to:
 - 1) present a recommendation regarding the permanency goal, time frame for achievement, clinical intervention, social services, and visitation plan;
 - 2) report on the placement, best interests, health, safety, and well-being of the child;
 - 3) report on the progress of the parent to date toward compliance with the service plan and progress toward correcting the

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- conditions that require the child to be in care; and
- 4) provide the basis for all decisions and recommendations.
- b) Within ten working days after the permanency hearing, the worker will:
 - 1) amend the service plan to conform to the court order, if necessary;
 - 2) attach a copy of the permanency order to the amended service plan (as well as ensuring that a copy of the order is in the case record);
 - 3) engage the family to ensure that the family understands the recommendations and decisions made at the permanency hearing and obtain the family's signature on the service plan;
 - 4) file six copies of the plan with the court; and
 - 5) send a copy of the plan to the Administrative Case Review Office Administrator/Scheduler in the region where the next administrative case review will be held.

Section 316.140 Compliance with the Client Service Planning Requirements

The Department shall develop a monitoring and reporting mechanism to evaluate the extent of compliance with its client service planning requirements. At the minimum, the Department shall monitor:

- a) the permanency goal for each child;
- b) the planned date of achievement of the permanency goal;
- c) the extent of progress toward the permanency goal; and
- d) the actual date the permanency goal was achieved.

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1) Heading of the Part: Permanency Planning2) Code Citation: 89 Ill. Adm. Code 3153) Section Numbers: Adopted Action:

315.10 New
 315.20 New
 315.30 New
 315.40 New
 315.45 New
 315.50 New
 315.60 New
 315.70 New
 315.80 New
 315.100 New
 315.110 New
 315.120 New
 315.130 New
 315.140 New
 315.150 New
 315.160 New
 315.200 New
 315.205 New
 315.210 New
 315.215 New
 315.220 New
 315.225 New
 315.230 New
 315.235 New
 315.240 New
 315.245 New
 315.250 New
 315.300 New
 315.305 New
 315.310 New

4) Statutory Authority: 20 ILCS 505; 705 ILCS 405; 325 ILCS 5; 750 ILCS 505) Effective Date of Rule: February 1, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 8, 1998 at 22 Ill.

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Reg. 7770

10) Has JCRC issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version: The following differences exist between the proposed and final versions:

Section 315.20, Definitions

In the definition of "best interest of the child", the word "racial" was deleted.

Also, in the definition of "best interest of the child", the words "permanence for the child" were deleted and replaced with "the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives".

Section 315.30, Best Interests, Health, and Safety of the Child

In the description of the factors to be considered when evaluating the best interests of the child, the following changes were made: the word "racial" was deleted and "permanence for the child" was deleted and replaced with "the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives".

Section 315.80, Components of the Permanency Planning Process

In Section 315(a)(1), the following language was deleted "as described in 89 Ill. Adm. Code 332, Diligent Searches Conducted by the Department of Children and Family Services,".

Section 315.110, Worker Interventions and Contacts

In Section 315.110(e), the following language: "and other facilities such as mental health and correctional facilities" was added after "child care institutions".

Section 315.130, Developing the Service Plan

The language in subsection (d)(18), which requires the reasons for the out of home placement, was moved to immediately before subsection (d)(4) and re-labeled as the new (d)(4).

Subsection (4) of the proposed version was re-labeled to (5).

Subsection (5) was re-labeled to (6) and the following language was

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added after the last sentence: "To the extent available and accessible, the service plan shall incorporate the health records of the child, including:

- A) the names and addresses of the child's health provider;
- B) a record of the child's immunizations;
- C) the child's known medical problems; and
- D) the child's medications."

Subsection (6) was re-labeled to (7) and the following language was added after the last sentence: "To the extent available and accessible, the service plan shall incorporate the education records of the child, including:

- A) the names and addresses of the child's educational providers;
- B) the child's grade level performance; and
- C) the child's school record."

Subsections (7) through (11) were re-labeled to (8) through (12).

After subsection (d)(12), new subsections (13) and (14) which read:

"13) in the case of a child for whom the permanency plan is adoption or other permanent living arrangement, documentation of the steps the Department is taking to find an adoptive family or other permanent living arrangement;

14) in the case of a child for whom the permanency plan is independence, a written description of the programs and services which will help such a child prepare for the transition from foster care to independent living;"

Subsections (12) to (15) were re-labeled to (13) through (20).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: The permanency legislation of 1997 required

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the Department to make changes in its service delivery and casework practices in an effort to ensure that all children in its care achieve safer, permanent homes. This new set of rules separates the case planning function of direct service staff from the review and oversight functions of the Division of Administrative Case Review and of the courts. Prior to these rules, both activities were contained in one set of rules, 89 Ill. Adm. Code 305, Client Service Planning. This new Part 315 also implements many of the provisions of the Permanency Legislation of 1997, such as making the health and safety of the child paramount, requiring parents to make reasonable progress to correct conditions which led to the removal of their children, revising the permanency goals, and requiring expedited termination of parental rights under certain conditions.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
(217) 524-1983
TDD: (217) 524-3715
E-Mail: ORPINFO@pop.state.il.us

The full text of the adopted rules begin on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 315
PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

315.10 Purpose
315.20 Definitions
315.30 Best Interests, Health, and Safety of the Child
315.30 Accountability
315.40 The Need for a Permanent Home
315.45 Reasonable Efforts/Reasonable Progress
315.50 The Child's Sense of Time
315.60 The Critical Decisions
315.70 Components of the Permanency Planning Process
315.80

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

315.100 Assessment
315.110 Worker Interventions and Contacts
315.120 Family Meetings
315.130 Developing the Service Plan
315.140 Distributing the Service Plan
315.150 Revising the Service Plan
315.150 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

315.200 Selection of the Permanency Goal
315.200 Return Home Within Five Months
315.205 Return Home Within One Year
315.210 Return Home Pending Status Hearing
315.215 Substitute Care Pending Court Determination on Termination of Parental Rights
315.220 Adoption
315.225 Guardianship
315.230 Independence
315.235 Cannot Be Provided for in a Home Environment
315.240 Concurrent Planning
315.245 Applicability of Remunification Services
315.250

SUBPART D: EVALUATION AND DECISIONMAKING

Section

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315.300 Evaluating Whether Children in Placement Should Be Returned Home
315.305 When Reunification Is Inappropriate
315.310 Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act (20 ILCS 505), the Abused and Neglected Child Reporting Act (325 ILCS 5), the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 (705 ILCS 405), and the Adoption Act (750 ILCS 50).

SOURCE: Adopted at 23 Ill. Reg. 2539, effective FEB 1 1996.

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section 315.10 Purpose

The purpose of this Part is to explain the principles and standards around which the Department centers its permanency planning and decisionmaking for children and families when children must be placed apart from their families.

Section 315.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review (pursuant to 42 USCA 675). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in Section 316.60 (Administrative Case Reviews) of 89 Ill. Adm. Code 316 (Case Reviews, Court Hearings and Permanency Hearings).

"Best interest of the child" has been defined by law to include the following factors:

the physical safety and welfare of the child, including food, shelter, health, and clothing;
the development of the child's identity;
the child's background and ties, including familial, cultural, and religious;
the child's sense of attachments, including:

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where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child.
[705 ILCS 405/1-3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Client service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan of intervention toward the permanency goals for the children.

"Concurrent planning" means a process whereby the Department or its service provider works toward family reunification with a family whose children has been removed from the home while, at the same time, developing an alternative plan, if reunification with the family cannot be attained.

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

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"Father" means a man presumed to be the natural father of a child if:

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act;

he and the natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Public Aid under Section 10-17.7 of the Illinois Public Aid Code;

he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of this Act.

A man can rebut a presumption of paternity before a court of Jurisdiction [750 ILCS 45/5]. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Guardian" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Individual Treatment Plan (ITP)" or "Treatment Plan" as defined in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services) means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program (IEP)" means the document prepared by the local school district, as a result of a Multi-disciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226 (Special Education).

"Individualized Family Service Plan (IFSP)" means a written working

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document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare is able and willing to ensure that a child is healthy and safe, which includes ensuring that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Rehabilitative services plan" means a written plan developed in accordance with 59 Ill. Adm. Code 132.155 (Medicaid Community Mental Health Services), which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister through a current marriage.

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Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Service termination planning" means service planning that starts with the first contact with the family and which focuses on providing a smooth transition from Department guardianship or custody. It includes the receipt of child welfare services to discharge from guardianship or custody and the termination of Department funded services.

"Substitute care" means the care of children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301 (Placement and Visitation Services), Section 301.40 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Termination of parental rights" means a court order that relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

Section 315.30 Best Interests, Health and Safety of the Child

- a) Best Interests, Health and Safety of the Child
Permanency planning is an on-going process that first and foremost must consider the best interests, health and safety of the child in all planning decisions. Health and safety are the paramount factors that must be considered when determining the best interests of the child. This means that a child is or will be in a living arrangement that meets the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services), and that protects the child's physical health and safety and promotes the child's emotional, medical, and developmental well-being. When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:
 - 1) the physical safety and welfare of the child, including food, shelter, health, and clothing;
 - 2) the development of the child's identity;
 - 3) the child's background and ties, including familial, cultural, and religious, including the primary method and/or language of communication between the child and the biological parents or any other special communication needs;

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- 4) the child's sense of attachments, including:
 - a) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
 - b) the child's sense of security;
 - c) the child's sense of familiarity;
 - d) continuity of affection for the child;
 - e) the least disruptive placement alternative for the child;
 - 5) the child's wishes and long-term goals;
 - 6) the child's community ties, including church, school, and friends;
 - 7) the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
 - 8) the uniqueness of every family and child;
 - 9) the risks attendant to entering and being in substitute care; and
 - 10) the preferences of the persons available to care for the child. [705 ILCS 405/1-3].
- b) The child's best interests and health and safety must be considered and documented throughout service intervention and during, but not limited to, the following activities:
 - 1) investigation of allegations of abuse or neglect;
 - 2) completion of safety and risk assessments;
 - 3) completion of the comprehensive assessment;
 - 4) worker/client contacts;
 - 5) service planning;
 - 6) permanency goal selection;
 - 7) family meetings;
 - 8) administrative case reviews;
 - 9) legal screenings; and
 - 10) permanency hearings and other court proceedings.

Section 315.40 Accountability

Permanency planning must ensure accountability on the part of clients, the Department and other service providers through written documentation of the expectations and obligations of each of the parties to the service plan. This documentation must include:

- a) a desired permanency goal for each child served that is recorded in the service plan;
- b) identification of problems that must be resolved to achieve this status, including, when applicable, achievement of minimum parenting standards;
- c) identification of measurable changes or outcomes that will signify problem resolution;
- d) identification of what services the Department and other service providers will provide toward achieving the desired permanent living

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- e) identification of applicable time frames; and
- f) identification of any consequences to the client if the time frames are not met.

Section 315.45 The Need for a Permanent Home

- a) The Department recognizes that the best interest of children require that they have safe, permanent, secure, and nurturing homes for healthy psychological and physical development in order to mature to stable adulthood. Whenever it is determined to be in the best interest of the child, the Department will make reasonable efforts to preserve family life and to stabilize children's homes and to assist in the solution of problems that are likely to result in the abuse, neglect, or exploitation of children.
- b) When children must be removed from a parent to reduce or prevent harm to the children and the other parent is not a placement option, the Department will make reasonable efforts to reunite families as quickly as is consistent with the children's best interests, safety and well-being. When children and parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards, the Department will make reasonable efforts to find other permanent homes for children in a timely fashion consistent with the child's sense of time and need for physical safety and emotional security.

Section 315.50 Reasonable Efforts/Reasonable Progress

- a) The Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove a child from the child's home and to reunify the family when temporary placement of the child occurs. However, it may be that, due to the individual circumstances of the family and the child's best interests, safety and well-being, no efforts reasonably can be made to maintain the child in the child's home or to reunify the family. Reasonable efforts shall not be required if there exists any of the grounds for termination of parental rights as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible). Such a determination that no efforts reasonably can be made must be documented. If no efforts reasonably can be made to safely prevent or eliminate the need for removal of the child, the child shall be taken into protective custody. If no efforts reasonably can be made to reunify the family, the Department will seek alternative permanency planning that may involve termination of parental rights as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).
- b) Efforts by the Department or purchase of service agency to prevent or

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eliminate the need for removal of a child or to reunify a family must be accompanied by reasonable progress on the part of the child's parents. Reasonable progress by the parents is demonstrated by a change in the parental behaviors or circumstances that threaten the child's best interests, safety or well-being, and are the reasons why the Department is either considering removal of the child from the home or has removed the child from the home. Examples of reasonable progress or lack of progress by the parents are described in Section 315.400 (Evaluating Whether Children in Placement Should Be Returned Home). In the absence of such reasonable progress by the child's parents, it is not reasonable for the Department or purchase of service agency to continue efforts to preserve the family.

Section 315.60 The Child's Sense of Time

- a) The Department recognizes that children have a different sense of time than adults. What seems like a short family disruption or a brief separation to adults may be a very painful and intolerably long period for children. In general, younger children are less able to tolerate periods of separation than older children. For this reason, the Department shall act promptly using the best information available when dealing with children and their families.
- b) The Department believes that aggressive planning with an emphasis on decisionmaking, followed by the actions needed to carry out those decisions, will secure permanent homes for children. Therefore, the Department requires permanency planning directed toward a permanency goal beginning from the earliest contacts with children and families. Through permanency planning the Department strives to assure that children are in permanent homes as quickly as is consistent with their safety and well-being, while recognizing the urgency caused by the child's sense of time.

Section 315.70 The Critical Decisions

Although all Department decisions affecting children and families are important, the Department identifies the following decisions, which require approval of the casework supervisor, as the most critical ones affecting children and families:

- a) deciding whether services can prevent placement away from parents or primary parent figure or deciding whether to remove children from the home of parents or primary parent figure;
- b) deciding whether to recommend the return of children to the home of parents or primary parent figure from a placement away from parents or primary parent figure;
- c) deciding whether to decrease the frequency or the duration of parent and/or sibling visits with the child and whether the visits should be supervised;
- d) deciding whether to change children's placements;

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- e) deciding whether to seek termination of parental rights and seek an alternate permanent home;
- f) deciding if children are prepared for partial or total independence; or
- g) deciding whether children shall be placed apart from siblings who are also placed in substitute care.

Section 315.80 Components of the Permanency Planning Process

- a) The permanency planning process begins when the first contact is made with the child and family. The permanency planning process continues until the health and safety of the child are assured and Department-funded services terminated.
- b) Activities that must occur as part of the permanency planning process include:

- 1) a diligent search for missing parents, when necessary;
- 2) an assessment as described in Section 315.100;
- 3) worker intervention and contacts as described in Section 315.110;
- 4) family meetings as described in Section 315.120;
- 5) development and implementation of a service plan as described in Section 315.130;
- 6) selection of a permanency goal as described in Sections 315.200 through 315.240;
- 7) the use of concurrent planning as described in Section 315.245, when appropriate;
- 8) evaluating whether families are substantially fulfilling their obligations under the service plan and correcting the conditions that led to the placement of their children to enable the children to be returned home as described in Section 315.300;
- 9) consideration of alternatives to reunification as described in Section 315.305;
- 10) preparation for termination of Department services and aftercare planning as described in Section 315.310; and
- 11) preparation for, attendance at, and participation in administrative case reviews, court hearings, and permanency hearings, as described in 89 Ill. Adm. Code 316 (Case Reviews and Court Hearings).

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES**Section 315.100 Assessment**

Assessment consists of an initial assessment of a child and family to determine whether a case should be opened and services delivered, a comprehensive assessment to determine the needs of the family to provide the appropriate intervention and services, and an ongoing assessment conducted throughout the duration of time that the children and family are receiving services. Initial assessment provides a baseline of family strengths and needs by which a

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caseworker and supervisor can evaluate subsequent progress.

a) Initial Assessment

The initial assessment consists of a preliminary assessment prior to case opening in order to:

- 1) assess the health and safety of the children to determine whether the child can safely remain in his or her current living arrangement;
- 2) identify the level of risk of harm to the children in the family, develop and implement a safety plan (if at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights contained in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible));
- 3) identify what interventions and services can be provided to address the causes of abuse and neglect, and assure a child's health and safety without placement;
- 4) identify any needs of an emergency nature, including food, shelter, and clothing;
- 5) begin to identify and preliminarily select placement resources that meet the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services); and
- 6) identify any special communication needs the child may have, in addition to identifying the communication needs specified by the child's parents and/or legal guardians.

b) Comprehensive Assessment

The comprehensive assessment is an assessment completed no later than 30 calendar days following case referral or case opening. During the comprehensive assessment period the worker shall conduct at least weekly face-to-face visits with the parent and any children remaining in the custody of the parent. When the parent cannot be located, a diligent search shall be made to locate the parent, as required by 89 Ill. Adm. Code 332 (Diligent Searches conducted by the Department of Children and Family Services), and the parent's portion of the comprehensive assessment shall be completed within 30 days after the parent is located.

1) The comprehensive assessment shall consist of any part of the initial assessment that has not yet been completed and the following tasks:

- A) completion of a social history of the child and family to determine the strengths and needs of the family;
- B) continued assessment of the health and safety and level of risk to the children in the family (if at any time the aggravating circumstances appropriate for expedited termination of parental rights exist, the worker shall immediately follow the instructions for expedited termination of parental rights.);

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- C) assessment of the parents as it relates to their ability to care for the child, including referral for diagnostic mental health and substance abuse assessment, when indicated;
- D) for children for whom the Department has legal responsibility, the comprehensive assessment shall also include:

- i) a compilation of the medical and immunization history of the child and, where available, relevant medical history of the child's parents;
 - ii) location of missing or non-custodial parents and other relatives and their relationship to the family;
 - iii) a preliminary, age appropriate substance abuse screening of the child, if indicated by any other component of the assessment;
 - iv) a basic educational screening including identification of the child's current school and grade level, educational history, and identification of any educational goals and needs, including the need for any further educational testing or assessments; and
- 2) In addition, for those children, who are placed in substitute care, the comprehensive assessment shall also include:
- A) an initial health screening by a qualified medical provider in accordance with EPSDT standards, within 24 hours after placing the child in protective custody, of sufficient scope to permit the Department or purchase of service agency to ascertain enough about the current health of the child to identify:
 - i) any health needs requiring immediate attention; and
 - ii) any health information needed to make an informed placement decision;
 - B) a comprehensive health screen within 21 days after a child's placement in foster care that includes a physical, dental and mental health status of all children and a developmental screening on all children not yet of school age conducted by medical personnel and followed by more intensive evaluation as indicated or recommended. All children taken into Department custody are to be enrolled in Health Works within the first 21 days after the Department assumes custody.

c) Ongoing Assessment

Ongoing assessment continues throughout the life of the case until service termination and shall be used to guide the Department or purchase of service agency in developing an appropriate case plan and guide decisionmaking concerning the Department's or purchase of service agency's reasonable efforts and the client's reasonable progress to correct conditions and/or behavior that threaten a child's health and safety. The ongoing assessment shall consist of reassessing safety and risk and the reapplication of any additional screenings as described in subsection (b) whenever the facts of the

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case indicate the need, until termination of services.

Section 315.110 Worker Interventions and Contacts

This Section applies to caseworker interventions and contacts made during the delivery of child welfare services and does not include the interventions and contacts required by child protective investigative staff during the course of child abuse and neglect investigations. To meet any of the intervention and contact requirements described in this Section with hearing impaired clients or limited non-English speaking clients, the worker must be able to facilitate communication using the client's primary mode of communication (e.g., fluency in the client's language or the use of foreign or sign language interpreters; e.g., braille or taped communications for persons with visual impairments, etc.).

a) Initial Intervention and Contact by Caseworker

- 1) The assigned caseworker or person assigned by the supervisor, if the assigned caseworker is unavailable, must attend the shelter care hearing in court.
- 2) The assigned caseworker must attempt face-to-face intervention and contact with the family in the home within five working days after the shelter care hearing or case assignment, whichever is earlier, unless the caseworker and supervisor believe, based upon the health, safety, and best interests of the child, that it is necessary to attempt contact sooner. If the family is unavailable, the caseworker shall make a second attempt within one working day after the failed attempt. If that attempt is also unsuccessful, the caseworker shall conduct a diligent search for the family.

b) Ongoing Intervention and Contact

- 1) With Families
The families of children in placement shall be seen by the assigned caseworker at least monthly or more frequently as might be specified by the service plan unless parental rights have been terminated.

2) With Children

- The assigned caseworker shall see any child in substitute care in the child's living arrangement at least once every two weeks for the first month immediately following initial placement or a change in placement and at least once every month thereafter. When visiting children in substitute care, the caseworker must interview verbal children out of the presence of the caregiver.
- 3) The above frequencies shall be followed, unless the supervisor, based on the assessment, determines and documents in the service plan, in writing, that the service plan requires more frequent or less frequent contact.

c) Interventions and Contacts Following Reunification

- During all interventions and contacts following reunification, the caseworker must see the child outside the presence of the parent.

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1) Initial Intervention and Contact

Following the return home of a child who has been in substitute care, an initial face-to-face intervention with the child and parent must be made via a visit in the home by the assigned caseworker within 24 to 72 hours after the child's return home. The timing of the visit will be based upon the safety plan completed when the child is returned home.

2) First Month

Following the initial visit, weekly or more frequent intervention and contact, as determined by the supervisor, with the child and parent in the home is required for the first month following reunification. At least two of the visits during this first month after reunification must be unannounced.

3) Ongoing

Frequency of intervention and contact subsequent to the first month of reunification shall be at least monthly until such time as safety and risk assessments indicate that there are no longer sufficient safety or risk factors present to require continued contact.

d) Contact With Foster Families/Relative Caregivers

The assigned Department or purchase of service agency caseworker shall provide the primary foster parent or relative caregiver caring for a child for whom the Department is responsible with monthly face-to-face consultation and support and more often on an as needed basis. This face-to-face contact with the primary foster parent or relative caregiver may occur at the same time as contact with the children in placement is made, provided that children are given the opportunity to be seen and interviewed alone. If there are two or more foster children in one foster home with more than one worker, their respective workers shall together meet at least once every six months with the foster parent, in the foster home, to discuss issues affecting the children's care.

e) Children Placed in Residential Facilities

Children placed in residential facilities (group homes or child care institutions and other facilities such as mental health and correctional facilities) must be visited by the assigned caseworker at least monthly, unless the facility is located more than 50 miles from the caseworker's headquarters. If the facility is more than 50 miles from the caseworker's headquarters, visits shall occur every two months.

f) Children Placed in Foster Care or Relative Care Out of State

Children who are placed in foster care or relative home care out of state in compliance with 99 Ill. Adm. Code 328 (Interstate Placement of Children) must be visited no less frequently than every twelve months by a caseworker of the Department or of the state in which the child has been placed.

Section 315.120 Family Meetings

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Family meetings are a tool intended to engage the family in the planning process. Therefore, caseworkers shall make intensive efforts to persuade and encourage parents to attend the family meetings, especially during the first 90 days, by explaining to them the importance of the family meeting and of attending and cooperating with the process. Casework staff should make every effort when planning family meetings to be flexible and attempt as much as possible to schedule meetings at a time and place where parents can attend, preferably in the parent's home. Staff shall take into consideration parents' work schedules, transportation issues, availability of interpreters (if the parents' primary language of communication is other than English), and any other barriers that might prevent parents from participating. Parents shall be reminded of the court admonishment to cooperate with the Department and that refusal or chronic failure to attend family meetings may be considered by the Department and the court as a lack of reasonable progress. After reaching agreement with the parents on the date, time, location, and participants of the family meeting, the caseworker shall send a confirmation letter to the parents. Caseworkers shall document in the case file all attempts to include parents in the family meetings. Failure to attend family meetings shall also be documented in the case file.

- a) Initial Family Meeting
 - 1) The initial family meeting must occur within 30 days after the temporary custody hearing and includes at a minimum:
 - A) the caseworker;
 - B) the child's custodial parent;
 - C) the non-custodial parent with the following conditions:
 - i) the non-custodial parent intends to seek custody of the child; and
 - ii) there is no danger of violence between the parents; and
 - iii) no confidential information concerning the custodial parent, such as mental health information, may be shared with the non-custodial parent, unless the custodial parent consents in writing to the sharing of such information as provided in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services). If the custodial parent does not consent to the release of confidential information, the meeting shall be conducted in segments, with the non-custodial parent excluded from any discussion that includes the information about the custodial parent that is confidential;
 - D) the casework supervisor.
- 2) In addition, at the supervisor's discretion and with the consent of the parent, the following may be invited:
 - A) appropriate extended family members including non-custodial parents who are not interested in seeking custody;
 - B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i) below);
 - C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.

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(g), (h) and (i) below):

- C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.
- c) Purpose of Initial Family Meeting
- The purposes of the initial family meeting, to be conducted by the casework supervisor, are to:
- 1) share information among all participants;
 - 2) review the initial and comprehensive assessments;
 - 3) discuss and prepare the initial service plan; and
 - 4) determine the permanency goal.
- d) Ongoing Family Meetings
- 1) Following the initial family meeting, family meetings will be conducted on a flexible schedule, but no less than on a quarterly basis (at least four times a year approximately three months apart). The ongoing family meeting shall include at a minimum:
 - A) the caseworker;
 - B) the child's custodial parent;
 - C) the non-custodial parent with the same conditions as specified in subsection (a)(1)(c) above;
 - D) the casework supervisor at the supervisor's discretion. However, the supervisor must attend if the non-custodial parent will be attending the meeting;
 - 2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:
 - A) appropriate extended family members, including non-custodial parents who are not interested in seeking custody;
 - B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i) below);
 - C) service providers; and
 - D) the child, if emotionally and developmentally appropriate.
- e) Purposes of Ongoing Family Meetings
- The purposes of the ongoing family meetings are to:
- 1) assure disclosure of the expectations of all parties;
 - 2) assess reasonable efforts on behalf of the Department or the purchase of service agency;
 - 3) assess reasonable progress on behalf of the family;
 - 4) assess whether the plan is serving the health, safety, and best interests of the child;
 - 5) provide support for decisionmaking that recognizes the child's sense of time, including whether the permanency goal and time frames for achieving the goal should be continued, and whether services and service providers are effective;
 - 6) share information among the participants;
 - 7) evaluate whether the identified behaviors and conditions are being addressed and whether the parents are engaged in the change process;
 - 8) engage in planning that involves addressing the needs of the child with appropriate services and establishing realistic time

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frames for achievement of tasks and goals; and

- 9) review clinical material by various service providers. Clinical reports should be obtained and collateral contacts completed prior to the staffing. Professionals should have discussed findings and recommendations with the client/family prior to the meeting to promote open and honest discussion.
- f) Prior to inviting foster parents to the initial family meeting, the caseworker must consider the statutory requirement that protects foster parents' addresses and telephone numbers from disclosure. Such information shall not be disclosed to the child's parents at the initial family meeting that occurs within the first 30 days after the temporary custody hearing.
- g) In deciding whether to invite the foster parents to the meeting, the caseworker shall take into consideration the level of violence or tendency toward violence displayed by the child's parents. This shall be assessed during the first 30 days as the caseworker is conducting the comprehensive assessment. The caseworker shall use information from:
 - 1) Department safety and risk assessments;
 - 2) the social history, including information such as the parents' arrest history, history of domestic violence, and court records; and
 - 3) the caseworker's own observations.
- h) Information concerning the level or tendency toward violence of the parents may be shared with the foster parents to help them decide whether to attend the initial family meeting. In no event shall the address and telephone number of the foster parents be disclosed at the initial family meeting.
- i) For all subsequent family meetings the same violence factor shall be considered when determining whether the foster parent should attend and whether there is any danger to the foster parent by attending the family meeting.
- j) The participants in the family meeting will attempt to reach decisions and agree on recommendations by consensus. If a consensus cannot be reached, the final decision rests with the supervisor on all meetings.
- k) Documentation of the meeting and report of the recommendations/decisions is to be made and included in the case record.
- l) Parents have the right to appeal decisions with which they disagree in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

Section 315.130 Developing the Service Plan

Based on the information gathered during the assessment process described in Section 315.100 and through negotiation during the caseworker's contacts, visits, and at the initial family meeting, the caseworker and family shall develop a plan of intervention that is based on the family's strengths and needs and that addresses how the children's needs for health and safety will be

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met.

- a) Purpose of the Service Plan
The service plan is a written plan that is established between the Department and the children and family served, and any involved service providers. The purpose of the service plan is to:
 - 1) formulate goals for the child based on the child's needs for health, safety, and well-being that were identified during the assessment process;
 - 2) identify what actions the family, the caseworker, caregiver, and others will take to meet the needs of the child and achieve permanency;
 - 3) identify what additional interventions and services will be provided to the family, the caregiver, and the child in order to meet the child's needs and achieve permanency.
- b) State and Federal Requirement
Service plans are required by State (20 ILCS 505/6a) and Federal law (42 U.S.C.A. 675) regardless of whether the child and family are served directly by the Department or through purchase of service providers. The service plan must ensure that the health and safety of the child are the paramount concerns that guide all service, placement, and planning provisions.
- c) Time Frames
The initial service plan shall be completed within 30 days after case opening and must be reviewed at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly as specified in Section 315.150 (Revising the Service Plan).
- d) Contents of the Service Plan
Service plans shall contain the following information:
 - 1) the names of the children for whom the Department is legally responsible or to whom the Department is providing services;
 - 2) the health and safety factors that have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;
 - 3) what outcomes would be considered a resolution to these problems and the strengths the family possesses to achieve these outcomes;
 - 4) the reasons for the out of home placement and the reason why the child has been put in his or her current placement, the resources or other support that will be necessary to maintain the placement, and, where a residential placement has been deemed necessary, a description of how and when a plan for moving the child to the least restrictive, most homelike placement consistent with the child's best interest can be developed.
 - 5) the services to be provided to the parents, for each child while in care, and the foster parents (if necessary when the child is placed in foster care) that may best resolve these problems;
 - 6) the health care to be provided to the child and the mental health

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care to be provided to address the child's serious mental health needs as well as a description of the child's physical, developmental, educational or mental disability and any non-educational, specialized services the child is receiving or should receive for each disability, if an Individual Treatment Plan (ITP) or Rehabilitative Services Plan exists for the child, it shall be attached to the service plan. To the extent available and accessible, the service plan shall incorporate the health records of the child, including:

- A) the names and addresses of the child's health provider;
 - B) a record of the child's immunizations;
 - C) the child's known medical problems; and
 - D) the child's medications;
- 7) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Head Start, or Pre-kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record. To the extent available and accessible, the service plan shall incorporate the education records of the child, including:

- A) the names and addresses of the child's educational providers;
- B) the child's grade level performance; and
- C) the child's school record;

- 8) who will provide the services, how often they will be provided, and an explanation of why these services will meet the needs of the child;

- 9) if children placed out of the parents' home are placed a substantial distance (more than 150 miles) from the home of the parents or in a different state, the reasons why the placement is in the best interests of the children;

- 10) if children placed out of the parents' home are placed in a different state, a requirement that the child be visited periodically, but not less frequently than every 12 months, by a caseworker of the Department or of the state in which the child has been placed, and that the caseworker submit a report on the visit to the Department;

- 11) if siblings are placed apart from one another, the reasons why they are placed apart and what efforts are being made to find a joint placement for the sibling group;

- 12) the permanency goal for each child and the reason for selecting the goal;

- 13) in the case of child for whom the permanency plan is adoption or other permanent living arrangement, documentation of the steps the Department is taking to find and adoptive family or other permanent living arrangement;

- 14) in the case of a child for whom the permanency plan is

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independence, a written description of the programs and services which will help such a child prepare for the transition from foster care to independent living:

- 15) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;

- 16) the responsibilities of the Department and purchase of service providers, if any, to assist the family in fulfilling the service plan;

- 17) when children and families are separated, the parent-child and/or sibling visitation plan developed with the family in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services); if visitation is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits;

- 18) the time frames for achieving the permanency goal and the objectives to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;

- 19) a statement that the parents or children may disagree with the service plan and that they may have their disagreement recorded;

- 20) an explanation of how parents or children may request an appeal and fair hearing; and

Section 315.140 Distributing the Service Plan

Copies of the service plan shall be distributed in accordance with the Department's rules on confidentiality (89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department) to:

- a) the parents (unless parental rights have been terminated or the Department has filed a petition seeking the termination of parental rights);
 - b) the putative father, if he is participating in planning for the child;
 - c) the involved purchase of service providers, including the foster parents or relative home caretakers. Foster parents or relative home caretakers will receive copies of the child's portion of the service plan. Foster parents may be able to receive other portions of the service plan involving the child's family provided that the information being presented is essential for understanding the needs of and providing care to the child and the child's family acknowledges a positive relationship with the foster parents and gives consent in accordance with the consent provisions of 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department);
 - d) the child, if participating in the planning process;
 - e) appropriate Department staff;
 - f) the guardian ad litem and legal representative of the child; and
 - g) the Juvenile Court and all parties when the court has jurisdiction.
- The initial service plan must be submitted to the court within 45 days

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after a child's placement. In addition, the most current revised service plan prepared within the prior six months must be submitted to the court and all parties at least 14 days in advance of the next permanency hearing, as required by the Juvenile Court Act of 1987 [705 ILCS 405/2-28].

Section 315.150 Revising the Service Plan

The service plan shall be reviewed and revised, if necessary:

- a) when the current permanency goal is no longer appropriate;
- b) when the current service plan does not address the child's or family's needs;
- c) prior to each administrative or regular case review;
- d) prior to each permanency hearing; and
- e) when there are substantial changes in the family's circumstances.

Section 315.160 Case Reviews and Court Hearings

An important part of the service planning process requiring the caseworker's participation are the reviews and court oversight of the efforts of the Department or its provider agency and the family toward achieving the permanency goal. Decisions made by the court and by the administrative case review system must be incorporated in the service plan. Recommendations made by the administrative case review system or by the court, if not specifically ordered by the court, shall be given careful consideration by all the parties involved in the service planning process. The Department's responsibilities with regard to case reviews and court hearings are described in 89 Ill. Adm. Code 316 (Case Reviews, Court Hearings, and Permanency Hearings). Purchase of service agencies are responsible for a case while it is assigned to them. If they receive a case with deficiencies, they have 60 days to bring the case into compliance with the requirements of this Part.

SUBPART C: SELECTING THE PERMANENCY GOAL**Section 315.200 Selection of the Permanency Goal**

- a) Types of Permanency Goals

A permanency goal is the desired outcome of intervention and service that is determined to be consistent with the health, safety, well-being and best interests of the child. A description and the criteria for selection of each of the goals are included in Sections 315.205 through 315.240. The goals that may be selected for children placed apart from their families are listed below followed in parentheses by the numerical code that is entered into the Department's Child and Youth Centered Information System (CYCIS):

- 1) return home within five months (21);
- 2) return home within 12 months (22);
- 3) return home pending status hearing (23);

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- 4) substitute care pending court determination on termination of parental rights (24);
- 5) adoption, provided that parental rights have been terminated or relinquished (25);
- 6) guardianship (26);
- 7) independence (27); or
- 8) cannot be provided for in a home environment (28).

b) Process for Selection

- 1) During the first 12 months, prior to the first court permanency hearing, the Department or purchase of service agency selects the permanency goal. At the first permanency hearing the Department or purchase of service agency will recommend a permanency goal, but the court selects the goal.

- 2) An initial permanency goal will be established by the Department or purchase of service agency no later than 30 days after the Department takes custody of a child, and only after:

- a) an assessment has been completed with the family and reviewed and approved by the casework supervisor; and
- b) the initial family meeting has been held.

c) Changing the Permanency Goal

A permanency goal may only be changed:

- 1) within the first 12 months following case opening by the caseworker with the approval of the supervisor; or
- 2) within the first 12 months following case opening at an administrative case review or a decision review; or
- 3) when selected by the court at the permanency hearing pursuant to Section 2-28 of the Juvenile Court Act of 1987 [705 ILCS 405/2-28]. A permanency goal selected by the court cannot be changed without the approval of the court.

Section 315.205 Return Home Within Five Months**a) Description**

The minor will be returned home by a specific date within five months from the date of case opening or the court permanency hearing at which the goal is set by the court.

b) Criteria for Selection

Returning home within five months should be established as the permanency goal:

- 1) when on the basis of the current assessment and/or a history of service delivery, the parents are willing and able to correct the conditions that led to the child's removal from the home by a date within five months; and
- 2) when the child's best interests will be served by reunification within five months; or
- 3) when the goal has been ordered by the court.

Section 315.210 Return Home Within One Year

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- a) Description
The minor will be in short term care with a continued goal to return home within a period not to exceed one year after the date of case opening or the court permanency hearing and the progress of the parents is substantial, giving particular consideration to the age and individual needs of the minor.
- b) Criteria for Selection
Returning Home within one year should be established as the permanency goal when:
- 1) on the basis of the current assessment and family history, the parent is making substantial progress in correcting the conditions or behaviors necessitating the child's removal from the home; or
 - 2) the parent was not initially cooperative with services, but is now progressing well in services; or
 - 3) the parent is cooperating with services, but the need for services is so great that additional time is required; or
 - 4) the goal has been ordered by the court.

Section 315.215 Return Home Pending Status Hearing

- a) Description
The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable progress to date, the court shall identify what actions the parent and the Department or purchase of service agency must take in order to justify a finding of reasonable progress and shall set a status hearing to be held not earlier than nine months from the date of adjudication, nor later than 11 months from the date of adjudication, during which the parent's progress will again be reviewed.
- b) Criteria for Selection
This goal may only be selected by the court. It is selected when:
- 1) the parents have not substantially fulfilled their obligations under the service plan and corrected the conditions that brought the child into care; and
 - 2) nine months have not yet elapsed since adjudication.
- c) Status Hearing
- 1) When the court selects this goal, the court sets a status hearing to review the parents' progress. The date for the status hearing will be not earlier than nine months from the date of adjudication, nor later than 11 months from the date of adjudication. The court tells the parents what they must do to demonstrate reasonable efforts or progress. The court also requires that relevant, appropriate reunification services continue to be available during this time period.
 - 2) When the court conducts the status hearing at 9 to 11 months after the adjudication, the court determines whether the parents

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have made reasonable efforts or progress toward attaining the goal of "return home." If the court finds that the parents have failed to make reasonable efforts or progress, the court may select the goal "substitute care pending court decision regarding termination of parental rights" based upon the parents' failure "to make reasonable efforts to correct the conditions that were the basis for removal of the child or to make reasonable progress toward the return of the child or to make reasonable progress of an adjudication" of neglected, abused or dependent minor."

[750 ILCS 50/1D(m)]

- 3) This goal is not available for selection by a caseworker. However, when the court selects this goal, the caseworker shall request a legal screening to determine whether the parents have failed to fulfill their obligations under the service plan and failed to correct the conditions that brought the child into care, and the case is approaching nine months since adjudication or more than nine months have passed since adjudication.

Section 315.220 Substitute Care Pending Court Determination on Termination of Parental Rights

- a) Description
The minor will be in substitute care pending a court's determination on termination of the parental rights of the minor's parents.
- b) Criteria for Selection
Substitute care pending court determination on termination of parental rights may be selected as a permanency goal when a decision has been made to pursue termination of parental rights. This goal must be established when:
- 1) A request for termination of parental rights has been filed with the court; or
 - 2) The goal has been set by the court; or
 - 3) The case successfully passes a legal screening conducted by the Department to determine whether sufficient grounds for termination of parental rights exist and whether it is in the best interest of the child to empower the guardian to consent to adoption or
 - 4) A State's Attorney decides that sufficient grounds for termination of parental rights exist and that it is in the best interest of the child to empower the guardian to consent to adoption.
 - c) This goal may be selected when termination of parental rights is in the child's best interests because of safety concerns, even if the child may not be adopted.
 - d) If the court grants termination of parental rights, this goal shall be changed to the appropriate goal, as directed by the court and further services directed toward family reunification will not be offered.

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Section 315.225 Adoption

- a) Description
 - An adoptive home will be sought for the child.
- b) Criteria for Selection
 - 1) Adoption may be selected as the permanency goal when parental rights of both parents have been terminated or relinquished through:
 - A) adoptive surrenders; or
 - B) consents, including consents to adoption by a specified person; or
 - C) action by the court to terminate parental rights with the appointment of the Department as guardian with the power to consent to the child's adoption; or
 - D) death; and
- 2) adoption has been determined to be in the best interest of the child; and
- 3) the child, if age 14 years or over, consents to the adoption.

Section 315.230 Guardianship

- a) Description
 - The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that the return home goals and the goal of adoption have been ruled out.
- b) Criteria for Selection
 - Private guardianship may be selected as the permanency goal when:
 - 1) the reunification goal and the adoption goal have been ruled out as permanency goals for the child, but the child resides with a relative or foster home caregiver with whom the child has formed an emotional attachment and who is willing to accept legal responsibility for the child and assume a commitment to a permanent relationship that meets the child's needs over time; or
 - 2) ordered by the court.
- c) Subsidized Guardianship
 - To be eligible for subsidized guardianship, the eligibility criteria described in 89 Ill. Adm. Code 302.405 must be met.

Section 315.235 Independence

- a) Description
 - The minor over age 12 will be in substitute care pending independence.
- b) Criteria for Selection
 - Independence may be selected as the permanency goal for a minor 13 years or older:
 - 1) provided that:
 - A) goals of return home, adoption, and guardianship have been ruled out; and

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- B) either an assessment has been made and the child has demonstrated the ability, capability, and willingness to care for him or herself, has become economically self-sufficient and/or is establishing a family of his or her own; or
- 2) provided that:
 - A) an assessment has been made that a child who has a physical or mental disability demonstrates the ability, capability and willingness to care for themselves with proper support; and
 - B) the child demonstrates the ability to achieve and maintain progress towards independence through continued cooperation with the service plan; or
- 3) provided that the goal of independence has been ordered by the court.

Section 315.240 Cannot Be Provided for in a Home Environment

- a) Description
 - The minor will be in substitute care because he or she cannot be cared for in a home environment due to extreme or complicated physical or mental disabilities that cannot be sufficiently controlled in a home environment, provided that goals of return home, adoption, and guardianship have been ruled out.
- b) Criteria for Selection
 - Substitute care when a home environment is not appropriate may be selected as the permanency goal:
 - 1) for those children who have an extreme or complicated physical or mental disability as diagnosed by a physician and/or psychiatrist and no responsible adult who is able and willing to care for the child has been identified. A few children, due to their disability, need continued care in an intermediate or skilled nursing facility, or in a child care institution, provided that goals for return home, adoption, guardianship, and independence have been ruled out; or
 - 2) when ordered by the court.
 - Children with extreme or complicated physical or mental disabilities who require long-term care should not be confused with children who are in group homes or institutions in order to receive intensive, short-term treatment directed toward correcting problems that significantly interfere with life outside the institution. Substitute care for children who cannot be provided for in a home environment is not an appropriate permanency goal for children who are receiving short-term, intensive services in a group home or institution.

Section 315.245 Concurrent Planning

- a) Description

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Concurrent planning is a process whereby the Department or purchase of service agency will make reasonable efforts to return the child home within nine months after the child's placement in substitute care, while at the same time making it clear to the child's family that an alternative permanency plan for the child is being developed that will take effect if the parents do not make sufficient progress to enable the return home of their children within nine months.

b) Criteria for Selection of Cases

Concurrent planning must be utilized for a child who has been removed from a family that meets the criteria described below unless sufficient evidence exists to seek expedited termination of parental rights. The criteria are:

- 1) The parent has another child for whom parental rights were involuntarily terminated and there have been no significant changes in conditions or behaviors in the interim;
- 2) a finding that at birth the child's blood or urine contained any amount of a controlled substance as defined in Section 102(f) of the Illinois Controlled Substances Act, or a metabolite of a controlled substance, with the exception of controlled substances or metabolites of such substances the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under Section 2-3(c) of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to participate in a drug counseling, treatment, and rehabilitation program;
- 3) with clinical history, either through their own efforts or repeated, failed attempts to correct conditions that resulted in child maltreatment;
- 4) there has been a single severe incident of abuse and/or neglect;
- 5) there has been abuse/neglect toward a child who is particularly vulnerable given the child's age, developmental stage and/or disability;
- 6) a child requires placement and has a sibling in out-of-home care because of the current caregiver's abuse or neglect;
- 7) the parent has a diagnosed mental illness that renders the parent unable to provide or protect the child and that, upon assessment, indicates:
 - A) a history of treatment without response;
 - B) the prognosis that the condition will respond too slowly to meet the child's needs according to the child's age and development; or
 - C) the parent in treatment continually disregards medication or other treatment interventions;
- 8) the parent has a developmental disability that, upon assessment, indicates that the parent may be unable to provide for, protect

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or nurture the child and the family has no other relatives or social supports able or willing to assist in parenting.

c) If efforts to return the child home are unsuccessful, the Department or purchase of service agency will consider the alternatives described in Section 315.305 (When Reunification Is Inappropriate).

Section 315.250 Applicability of Reunification Services

If the goal selected by the court is one of the reunification goals, reunification services will continue to be provided to the parents for this minor. If the court selects a goal other than a reunification goal, parent-child visitation will continue to occur (unless parental rights have been terminated), but all other services to the parents toward accomplishing reunification for this child will cease. See 89 Ill. Adm. Code 302.40 for a list of typical reunification services. If there are other children in the home for whom the Department or purchase of service agency is providing services, or other children in substitute care, those services will continue. If there are no other children in the home or in Department custody, the Department or purchase of service agency may provide information and referral services to the parent.

SUBPART D: EVALUATION AND DECISIONMAKING

Section 315.300 Evaluating Whether Children in Placement Should Be Returned Home

- a) When deciding whether to recommend to a court that children in placement should be returned home to their parents' care, the Department or purchase of service agency shall consider whether the parents have made reasonable progress in correcting the conditions that led to the removal of their children from the home. Reasonable progress on the part of the parents may include some or all of the following:
- 1) they have learned and demonstrated their ability to assure the health, safety and development of the child;
 - 2) increased capacity to parent and to assure the child's health and safety as demonstrated by successful parent-child visits, appropriate involvement in more parental responsibilities (e.g., doctor's appointments, parent-teacher conferences, group therapy, involvement in recreational activities, better financial management, etc.);
 - 3) an ability to care for themselves so that they can meet the needs of the child;
 - 4) an improvement in parental choices, decisions and relationships that lead to a safer and healthier environment for their children;
 - 5) their participation in the recommended services and demonstration of change, such as improved parenting, participation in

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counseling sessions;

- 6) their acceptance of responsibility for maltreatment of the child and show of empathy for the impact of the effects of the maltreatment on the child;
- 7) they have learned to ask for and accept help;
- 8) a better understanding of themselves resulting in an ability to identify warning signs and ask for help;
- 9) the presence of an ongoing support network consisting of other family members, neighborhood or community, church, etc.;
- 10) demonstration of a willingness to develop a service plan that contains a plan for maintaining the safety of the child at home and an understanding of the merits of the plan.

b) The Department or purchase of service agency shall consider the following as examples of a lack of reasonable progress on the part of the parents to correct the conditions that led to the removal of their children from the home and as good reasons to consider alternatives to return home:

- 1) parent has an ongoing pattern as a perpetrator of domestic violence or refuses to participate actively in treatment services or initiates new relationships in which there is violence; and/or
- 2) parent continues to reside with someone dangerous to the child and refuses to separate after having been advised of the dangers; and/or
- 3) parent has an ongoing pattern as a victim of domestic violence and refuses to separate from the batterer or initiates new relationships in which there is violence and refuses to separate;
- 4) parent fails to remedy, with the assistance of the Department or purchase of service agency and other community resources, housing or housekeeping standards that are a threat to health or safety or to seek suggested economic resources when lack of resources is a major barrier; and/or
- 5) parent continually misses visits with children, continually coming late for visits, or while visiting appears uninterested or is openly rejecting of the child or abusive or continually upsets children during visitation by verbal abuse, eliciting guilt, or by making unrealistic promises; and/or
- 6) parent who is restricted in ability to parent due to developmental disability has failed to make efforts or is unable to demonstrate skills necessary to ensure the health and safety of the child; and/or
- 7) parent's lifestyle continues to center around drugs/alcohol and addiction prevents him/her from parenting; and/or
- 8) mother gives birth to a second or subsequent substance exposed infant; and/or
- 9) parent has other children who have been in foster care for 12 months or more, attempts to reunite them have been unsuccessful

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and conditions have not changed substantially; and/or

- 10) parent continually misses appointments, cancels appointments with Department staff or purchase of service agency staff or staff of other service or treatment providers, or fails to be involved in the treatment; and/or
- 11) parent otherwise fails to fulfill the tasks outlined in the service plan or cooperate with the provisions of the service plan or meet conditions established by the court that would, if the parent cooperated, correct the conditions that threatened the health, safety, and well-being of the children.

c) The Department or purchase of service agency shall not recommend returning children home if parental concern for the child is shown only by examples that include but are not limited to:

- 1) occasional, sporadic visits and contacts;
- 2) elaborate or expensive gifts on holidays or birthdays; or
- 3) statements of concern for the children that are not supported by actions consistent with their health, safety and well-being or by preparations for their return home.

Section 315.305 When Reunification Is Inappropriate

If the parents fail to demonstrate reasonable progress in correcting the conditions that led to the removal of the child within the time frames required by the permanency goal of return home that was assigned by the Department and/or the court, the following alternatives to return home shall be discussed with the parents:

- a) voluntary surrender of parental rights for purpose of freeing the child for adoption;
- b) consent to the adoption of the child by a specified person;
- c) involuntary termination of parental rights;
- d) private guardianship.

Section 315.310 Termination of Services and Planning for Aftercare

- a) Planning for the termination of services is an integral part of all service planning. From its earliest contacts with children and families, the Department or purchase of service agency shall focus on services to the children and families shall end. In addition, when the Department is legally responsible for a child, the Department or purchase of service agency shall also focus on when and how the child shall be discharged from the Department's custody or guardianship and what aftercare services will be provided.
- b) If the child will be returned home from substitute care, the Department or purchase of service agency shall provide services for at least six months following return home of the child.
- c) Prior to closing a case, the Department or purchase of service agency will:
 - 1) conduct a review of the child's safety that includes:

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- A) a child safety and risk assessment protocol to include all members of the household, including a CANTS and LEADS check of all adults who reside or frequent the home; and
 - B) interviews with relatives, friends, or other persons who provide a support network for the family;
- 2) review all medical, school, clinical, and social service reports; interview and observe the child alone out of the presence of the caregiver;
 - 4) conduct a family meeting as described in Section 315.120;
 - 5) petition the court for termination of the Department's custody or guardianship; and
 - 6) complete a final service plan that outlines how the health, safety, and well-being of the children will be ensured and what aftercare services are needed.

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- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers:

3040.130	Adopted Action:
3040.140	Amendment
3040.150	Amendment
3040.160	Amendment
3040.170	Amendment
3040.200	Amendment
3040.210	Amendment
3040.220	Amendment
3040.230	Amendment
3040.240	Amendment
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date of Amendments: January 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal published in Illinois Register: September 25, 1998; 22 Ill. Reg. 16972.
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: Minor nonsubstantive wording and punctuation changes were made, as requested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Adopted Action</u>	<u>Illinois Register Citation</u>
3040.400	New Section	22 Ill. Reg. 17311
3040.450	New Section	22 Ill. Reg. 17311

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- 15) Summary and purpose of amendments: Funded programs are more responsible to the Illinois State Library for providing quality literacy programs that serve the changing needs of adult literacy students. Program performance becomes the primary criteria for funding recommendations. At the Literacy Advisory Board's request, reports from the Literacy Office staff and grant monitors on funded programs are taken into consideration while making decisions on future funding. Changes also give the State Library the authority to require audits if interim financial reports or the monitor's evaluation show cause for an audit. Changes also reflect recent legislation (P.A. 90-0783) allowing the workplace literacy grant monies to be used for prospective, as well as current, employees.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg 217/785-0052
Associate Director for 217/782-8261 fax
Communications & Planning kbloom@library.sos.state.il.us
Illinois State Library
300 S. Second Street
Springfield, IL 62701-1796

The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3040

LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application for Grant
3040.120	Review of Grant Applications
3040.130	Award of Grants and Recordkeeping
3040.140	Cancellation of Grant
3040.150	Fiscal Audit Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application for Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Financial Reports, and Program Progress Reports
3040.240	Cancellation of Grant
3040.250	Other Requirements
3040.260	Invalidity
3040.270	

SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
2040.300	Definitions
2040.310	Eligible Applicants
2040.320	Grant Applications
2040.330	

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084,

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effective August 15, 1997; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 22 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 3074, effective JAN 26, 1998.

SUBPART A: LITERACY PROVIDER PROGRAM

Section 3040.130 Review of Grant Applications

- a) The LAB shall review all grant applications which are designed to deliver direct instructional service in literacy to adult students, provide support services to literacy projects providing direct instruction in literacy to adult students, or to provide training coordination and management of volunteers who will deliver or assist in delivering direct instruction in literacy to adult students, or any combination of one or more of these objectives.
- b) The LAB will use the following selection criteria:

- 1) Whether the need for literacy services in the community is demonstrated and how the applicant has addressed the need.
- 2) Whether the extent of cooperation and coordination by the grant applicant of its program with similar programs provided by other organizations in the community is clearly stated.
- 3) Whether the plan of operation contains a specific statement of project goals and objectives, the methods used to achieve these goals and objectives, the number of students to be served, and the number of administrative and instructional personnel necessary to serve the targeted student population.
- 4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.
- 5) Whether the proposed project contains evaluation methods and procedures which will produce quantifiable data regarding pre- and post-testing of students to evaluate student progress, record-keeping procedures for students, and volunteer participation.
- 6) Whether the persons managing the project have experience, training or education to combat illiteracy, and how much time will be spent by these managers on the project, including at least a bachelor's degree and prior experience in the field of education or management.
- 7) What plans are presented in the grant application to continue the project after the grant funds have been expended.
- c) The criteria listed in subsection (b) of this Section will be evaluated and assigned point value by the LAB. The highest priority end-point value will be assigned to subsections (b)(2)-(b)(3) and (b)(5) which will have point values of ten each. Subsections (b)(4) and (b)(7) will have point values of five each.

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d) The LAB shall not select any grant application nor award any public funds to any grant applicant which:

- 1) Does not certify or state that it will comply with the Illinois Human Rights Act (4310--Rev--Stat--1991--ch--69, par--1-101-et-seq.) [775 ILCS 5/1-101-et-seq.].
- 2) Users as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 10-1.1 of the Illinois Purchasing Act (4310--Rev--Stat--1991--ch--147, par--134-10-14) [30 ILCS 305/10-14].
- 3) Has as its managers employees of the Office of the Secretary of State.
- 4) Has been disqualified and has its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.
- e) The LAB shall not award more than one grant under Subpart A of this Part to any one applicant in the same fiscal year.

(Source: Amended at 23 Ill. Reg. 2574, effective JAN 26, 1998.)

Section 3040.140 Award of Grants and Recordkeeping

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, and the amount of public funds to be awarded to fund each grant application based upon the criteria in Section 3040.130.
- b) The LAB shall make its recommendations on December 1 for Fiscal Year 1986 and July 1 for Fiscal Year 1987 and thereafter.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary. The Secretary of State shall approve or disapprove the recommendations of the LAB based upon whether the Secretary determines the recommendations to be consistent with the Act and the rules of this Part.
- d) The final approved grant applications and the funding determination shall constitute the Literacy Provider Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act (4310--Rev--Stat--1991--ch--116, par--201-et-seq.) [5 ILCS 140/1-et-seq.] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the

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Literacy Advisory Board and Illinois State Library staff to assure project accountability, at least quarterly each fiscal year.

1) A quarterly financial report which shall state the amount of money expended to date in each line item of the approved program budget.

2) A quarterly statistical report which shall state at least the numbers of students and volunteers in the program.

3) Approved grant applicants shall submit to the State Library Office of the Secretary of State at least semi-annually each fiscal year a semi-annual narrative report on a schedule established by the State Library. The semi-annual narrative reports shall state at least:

1) The number of students served to the date of the report with a description of their ages, sex, educational level, and language proficiency. The number of students served shall be separated into two categories:

A) the number of students referred to other programs; and

B) the number actually taught by the applicant.

The names of the students shall be confidential and released only for audit purposes.

2) Where the students are being taught.

3) The total number of volunteers recruited describing their age, age number of training session, and the amount of volunteer time expended to date.

4) The name of the community coalition formed, if any.

5) What public awareness efforts were undertaken by the program to the date of the report.

6) What has been the most successful or positive activity of the project.

7) What problems, if any, have occurred.

8) To what extent the project goals and objectives have been met to date, and if not, why not.

9) A final audit shall be submitted by each grant recipient to the State Library Office of the Secretary of State on or before September 1 of each calendar year for the previous fiscal year's program.

10) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law (735 ILCS 5/9-101 et seq.).

(Source: Amended at 23 Ill. Reg. 2574, effective JAN 26 1990)

Section 3040.150 Cancellation of Grant

a) A grant shall be cancelled if:

1) Required reports and data financially, statistically, and narrative reports are not submitted as required by Section 3040.140(e), and (f), or if the previous fiscal year's audit as required by Section 3040.140(f) is not received by September 1 and the

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program has a grant under which it is operating in the current fiscal year. Grant programs shall receive one 30 day notice requesting compliance with this Section before the grant shall be cancelled.

2) An audit or the interim financial report shows reports show financial irregularities, such as misappropriation or embezzlements of funds by the grant program operator and/or its employees and staff.

3) The grant program fails to meet its stated goals.

4) The grant program managers are convicted of any felony or misdemeanor.

5) The grant program fails to operate properly and effectively.

6) A monitor's evaluation shows program irregularities or non-compliance with this Part.

b) Upon cancellation, the Secretary shall send a notice by certified, return receipt requested mail to the grant program, which shall return all unexpended public funds to the Secretary within 30 days after the date of the cancellation notice.

c) Any public funds not returned shall be the subject of a collection action by the Attorney General of Illinois.

(Source: Amended at 23 Ill. Reg. 2574, effective JAN 26 1990)

Section 3040.160 Fiscal Audit Procedures

a) On or before September 1 of each year, the library grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs. Must conduct an audit of the program and its expenditure of the grant funds. Grant funds shall be accounted for using the modified accrual accounting method. The State Library will add funds to budgets of grant recipients to pay for audit costs. The library grant recipient shall select an independent certified public accountant to perform the audit in accordance with the United States General Accounting Office Government Auditing Standards and for Audit of Governmental Organizations, Programs, Activities, and Functions (Yellow Book), 1994 revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62761. The results of this audit must be submitted to the State Library Office of the Secretary of State by September 1 of each year. Failure to submit the audit by the September 1 deadline shall result in immediate forfeiture to the Secretary of State of 10% of the grant award. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing

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grantee--The State Library shall withhold 10% of the grant funds until receipt and approval of the final program and financial report.

b) The State Library shall withhold 10% of the grant funds until receipt and approval of the final program and financial reports. The provisions of this Section shall not be applicable to entities that fail under the audit authority of the Auditor General of Illinois.

c) Entities electing to fulfill their audit requirements by submitting a "single audit" of their entity in accordance with the Single Audit Act of 1984 (31 USC 7501 et seq.) may do so. However, a schedule of revenues and expenditures for the grant, showing budget and actual amounts, must be included as a supplementary schedule in the audit report. Those entities electing to submit a "single audit" will not be subject to the September 1 deadline indicated in subsection (a) above. Single audit results must be submitted within 30 days after release of the single audit report.

(Source: Amended at 23 Ill. Reg. _____, effective 2574 JAN 11 1990)

Section 3040.170 Other Requirements

a) Testing

1) Plans for pre- and post-testing of students must be attached to the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), which can be ordered from Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280, must be used in student testing for semi-annual reports submitted to the State Library, Office of the Secretary of State. Programs are encouraged to use additional tests for their own purposes.

2) In the case of English As a Second Language (ESL) projects, professionally accepted tests must be used, such as the Henderson Moriarty ESL/Literacy Placement (HELP) List, which can be ordered from Regents/Prentice Hall, Order Department, 200 Old Tappan Road, Old Tappan NJ 07675; the ESLOA Oral Assessment, which can be ordered from Literacy Volunteers of America, Inc. 5795 Widewater Parkway, Syracuse NY 13214; the Comprehensive English Language Skills Assessment (CELSA), which can be ordered from Association of Classroom Teachers, 1136 Clement Street, San Francisco CA 94118; the Test of English Proficiency Level (TEFL), which can be ordered from Language Teacher's Center, P.O. Box 98, The Sea Ranch CA 9497; the Basic Applied Skills Test (BEST), which can be ordered from Center for Applied Linguistics, 1118 22nd Street, NW, Washington DC 20037; the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as IIR), which can be ordered from FSI, Princeton NJ 08541; the New York State Placement Test (NYS-Place Test), which can be ordered from The University of the State of New York, The State Education Department, Division for Program Development, Albany,

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New York 12234; and the Basic Inventory of Natural Language (BING), which can be ordered from CHCC Point Systems, Inc., 1520 North Waterman Avenue, San Bernardino CA 92404. All tests used must be described in the proposal. Results must accompany semi-annual and final reports.

3) In the case of students who enroll for math assistance only, the TABE math test, which can be ordered from CTE/McGraw Hill, 20 Ryan Ranch Road, Monterey CA 93940, must be used in testing for semi-annual reports submitted to the State Library, Office of the Secretary of State.

b) Equipment

1) Any equipment purchased by a literacy program from grant funds shall be the property of the State Library for a period of two fiscal years.

2) Any equipment purchased from grant funds, which equipment is no longer used by the grantee for literacy program purposes, shall be returned to the State Library. The equipment is "transferable property" as defined in Section 1.04 of the State Property Control Act [30 ILCS 605/1-1.04]. The equipment shall be disposed of pursuant to the State Property Control Act [30 ILCS 605].

c) No literacy grant program shall purchase with grant funds any equipment without the prior written consent and approval of the State Library. Approval will be granted by the State Library if the grantee demonstrates that the purchase is essential to the program and cannot be funded in any other way.

d) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.

e) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library, Office of the Secretary of State. Justification must be provided if consultant services are purchased and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, Office of the Secretary of State, based on the consultant's prior experience and expertise in literacy programs.

f) A literacy grant monitor shall make a minimum of one site visit during the fiscal year. Additional site visits may be made at the discretion of the Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, request by literacy program). Literacy monitors shall evaluate program effectiveness as directed by the LAB. It shall be

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the responsibility of the grant monitor to:

- 1) Review the process of the budget
- 2) Verify that the grant budget and expenditures in the project to date.
- 3) Verify that the project plan is being implemented according to the proposal approved by the LAB.
- 4) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.

(Source: Amended at 23 Ill. Reg. 25/74, effective JAN 26 1995)

SUBPART B: WORKPLACE LITERACY PROGRAM

Section 3040.200 Purpose

a) The Workplace Literacy Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act (415 ILCS 307-2).

b) The purpose of the workplace literacy program is to promote educational relationships between employers and Illinois adult educational providers of all types to reduce adult illiteracy in Illinois through grant awards which will be made to businesses who propose to contract with adult educational providers to do one or more of the following:

- 1) Assess educational skill levels of employees or prospective employees to determine the extent of need for a workplace literacy program for their adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level; or, who have inadequate basic skills, or who are or would be unable to perform their jobs effectively, or who are ineligible for career advancement due to an identified lack of basic skills below 10th grade level;
- 2) Develop plans for implementation of a workplace literacy program for their adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level;
- 3) Implement a workplace literacy program for their adult employees or prospective employees who read, write, comprehend, and/or compute below the 10th grade level;
- 4) Provide support services for a workplace literacy program including training in program management, training in teaching methodologies, diagnostic testing for learning disabilities, referral procedures, and other consulting services directly related to development and implementation of a workplace literacy program.
- c) Public funds awarded under this grant program must be matched by the applicant with funds at least equal to the amount of public funds awarded. All combined funds must be used for the purpose set forth in the grant application and for which the public funds are awarded.

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(Source: Amended at 23 Ill. Reg. 25/74, effective JAN 26 1995)

Section 3040.210 Definitions

"Adult Educational Provider" means an education agency, association, library, volunteer or community-based organization, or a coalition thereof which currently provides instruction in literacy to persons 16 years or older who read below a tenth (10th) grade level.

"Adult Employee" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16 sixteen), is not currently enrolled in school (Article 26 of the School Code [105 ILCS 5/Art. 26]), and is employed by the business applicant.

"Application" means the written request for a workplace literacy grant submitted to the Literacy Office, Illinois State Library, Office of the Secretary of State pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Association" means any organization incorporated under the General Not-for-Profit Corporation Act of 1986 comprised of members with a common purpose and having a structure in conformity with that Act.

"Business" means a private, legal entity or group of entities which employs or represents workers and is a corporation, a sole proprietorship, a limited liability company, or a partnership.

"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, community-based organization or organizations, and association or associations, or any combination thereof at the local or regional level.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Contractual Agency" means the educational provider(s) with whom the business will contract to perform any or all of the services necessary for the development or implementation of a workplace literacy program.

"Diagnostic Testing" means testing methods which indicate whether an adult employee or prospective employee has visual, auditory, or basic learning disabilities.

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"Educational Skills Assessment" means testing methods which measure the education skills possessed by adult employees or prospective employee, including reading, writing, comprehension, and computation abilities.

"Employer" means a private business, a government, or any entity employing for work purposes two or more persons not members of the employer's immediate family.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Illiteracy" means the inability to read, write, comprehend, and/or compute above the 9.9 grade level.

"Illiterate Employee or Prospective Employee" means an adult whose minimal skills in reading, writing, comprehension, and/or computation preclude the individual from functioning in the workplace.

"Instructional Materials" means written materials and computer software programs which are used in teaching adult employees or prospective employees basic reading, writing, comprehension, and/or computation skills or which supplement the teaching of such skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7-2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, comprehend, and/or compute above the 9.9 grade level.

"Secretary of State" means the Illinois Secretary of State.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program which provides direct instructional services in reading, writing, comprehension, and/or computation to adult employees or prospective employees.

(Source: Amended 1986 23 Ill. Reg. 2574 = effective

Section 3040.220 Application for Grant

- a) A request for a grant shall be submitted to the Literacy Office in

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writing postmarked no later than March 15 for each fiscal year. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered for funding by the LAB.

- b) Applications shall be submitted to the Literacy Office, Illinois State Library, 431 South Fourth Street, Springfield, Illinois 62701.

c) Applications shall be reviewed by the LAB. Awards shall be made on or after July 1st for the fiscal year then commencing.

d) Grants shall not exceed \$10,000 to any one grant applicant.

e) Applications must be submitted in one (1) original and nine (9) copies.

f) The grant period shall be the fiscal year.

g) Applications shall include the following information:

- 1) The name and address of the business submitting the grant application.
- 2) The name, title, address and telephone number of the person at the business who will be responsible for administration of the program.
- 3) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the fiscal officer at the business who will receive any approved grant and be responsible for proper safeguarding of the grant funds. If a government employer does not have a FEIN, then some other identifying number must be given.
- 4) The term of the workplace literacy program.
- 5) The total amount of grant money requested for the workplace literacy program.
- 6) The total amount of funds which the business applicant will contribute to the workplace literacy program as a matching contribution, including personnel, equipment, supplies, instructional materials and other related expenditures, but not to include overhead costs such as space, heat, lights and furniture.
- 7) A Certification of Assurance signed by the Fiscal Officer which indicates that the business applicant has sufficient funds to pay the business matching share of the program cost.
- 8) A brief and explicit statement of the purpose and goals of the workplace literacy program.
- 9) A detailed statement of the plan of operation of the workplace literacy program and the proposed timeline for achieving objectives and goals including the anticipated number of employees or prospective employees who will be involved, and whether the proposed plan will include an educational skills assessment, development of a workplace literacy program, implementation of a workplace literacy program, support services for a workplace literacy program, or all of the above.
- 10) A statement about the adult educational provider(s) with whom the

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funds to be awarded to fund each grant application based upon the criteria in Section 3040-230.

- b) The LAB shall make its recommendations by July 1 for each fiscal year.
- c) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary. The Secretary of State shall approve or disapprove the recommendations of the Literacy Office based upon whether the Secretary determines the recommendations to be consistent with Section 5 of the State Library Act [5 ILCS 320/5] and this Part.
- d) The final approved grant application and the funding determination shall constitute the Workplace Literacy Grant Determination, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- e) Approved grant applicants shall submit to the Literacy Office the following reports: quarterly financial reports; midterm and final program progress reports.

- 1) The quarterly financial reports shall state the amount of money expended to date in each line item of the approved program budget and the amount of money expended to date by the business applicant as matching funds.
- 2) The midterm and final program progress reports shall state, at least:

(A) For an employee educational assessment, the number of employees or prospective employees tested, the method of testing used, the number of hours spent in testing, the results of that testing, the need for instructional services indicated as a result of that testing, if any, and the plans of the business applicant for addressing that need.

(B) For development of plans for a workplace literacy program, the target number of employees or prospective employees to be served, how this number was determined, location of where employees will receive instruction, the target number of hours for employees instruction, the method of instruction which will be provided, the amount of release time which will be allowed for employees who receive instruction, if any, and when the workplace literacy program will begin.

(C) For implementation of a workplace literacy program, the number of employees or prospective employees served to the date of the report, the net gain in educational education skills of each employee or prospective employee receiving instruction, pre- and post-test scores of each employee receiving instruction, the number of hours each employee or prospective employee has spent in instruction, and the amount of release time allowed employees who have received instruction.

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(D) For support services provided to a workplace literacy program, the type and extent of services rendered, the number of employees or prospective employees served through the support services, and the impact of support services on the workplace literacy program.

(E) For all types of contractual services listed above, what has been the most positive outcome of the services, what problems, if any, have occurred in the delivery of these services, and to what extent the goals and objectives of these services have been met to the date of the report.

- 3) Failure to submit the required reports shall be cause for cancellation of the grant. Grant recipients shall receive one thirty-30 day notice requesting compliance with this Section before the grant shall be cancelled.

f) The final financial and program progress reports shall be submitted by each grant recipient to the Literacy Office on or before July 15 of each calendar year for the previous fiscal year's program.

- g) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 23 Ill. Reg. 9514, effective JAN 24 1993)

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1) **Heading of the Part:** Illinois Prepaid Tuition Program

2) **Code Citation:** 23 Ill. Adm. Code 2775

3) **Section Numbers:** Adopted Action:

2775.10	New
2775.20	New
2775.30	New
2775.40	New
2775.50	New
2775.60	New
2775.70	New

4) **Statutory Authority:** Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) **Effective Date of Rules:** February 1, 1999

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rule contain incorporations by reference?** No

8) **A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Notice of Proposal Published in Illinois Register:**

September 18, 1998, 22 Ill. Reg. 16444

10) **Has JCAR issued a Statement of Objections to these rules?** No

11) **Difference(s) between proposed and final version:** A number of minor technical changes were made in response to JCAR staff suggestions and to conform to the State's codification requirements. In addition, one substantive change was made in response to public comment. Section 2775.50(c)(5) was revised in order to provide contract beneficiaries with 10 years in which to use their benefits following the first date of enrollment, excluding any active duty time served in the military. As originally proposed, time served in the military was counted against the 10-year limit.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

13) **Will this rulemaking replace emergency rules currently in effect? Yes.** Emergency rules were published at 22 Ill. Reg. 16652, with an effective

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date of September 11, 1998.

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Rulemaking:** These rules govern the administration of the new Illinois Prepaid Tuition Program. This rulemaking sets forth the participant eligibility criteria, program procedures, and numerous specific attributes of the prepaid tuition contracts to be issued under this program.

16) **Information and questions regarding these adopted rules shall be directed to:**

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

The full text of the adopted rules begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section	Summary and Purpose
2775-10	Definitions
2775-20	Participant Eligibility
2775-30	Program Procedures
2775-40	Contract Terms and Conditions
2775-50	Scholarships, Grants or Monetary Assistance
2775-60	Disclosure

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2593, effective FEB 1 1999.

Section 2775-10 Summary and Purpose

a) The Illinois Prepaid Tuition Program, also known as College Illinois!, provides Illinois families with a tax-advantaged method of saving for college. The purpose of the program is to encourage and better enable Illinois families to help themselves finance the cost of higher education.

b) This Part establishes rules that govern the Illinois Prepaid Tuition Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2775-20 Definitions

"Illinois Community College" - A public community college as defined in Section 1-2 of the Public Community College Act.

"Illinois Prepaid Tuition Contract" or "Contract" - A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" - The college savings

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and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" - The repository of all moneys received by the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" - Any campus of: the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northwestern Illinois University.

"WAP-eligible institution" - A public institution of higher education or a nonpublic institution of higher education whose students are eligible to receive need-based student financial assistance through Monetary Award Program (WAP) grants administered by the Illinois Student Assistance Commission under the Higher Education Student Assistance Act and whose students also are eligible to receive benefits under Section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Member of the Family" or "Immediate Family" - Member of the family as defined in the Internal Revenue Code, Section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, the spouse of any of the above or the spouse. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Nonpublic Institution of Higher Education" - Any WAP-eligible educational organization, other than a public institution of higher education, that provides a minimum of an organized 2-year program at the postsecondary level and that operates in conformity with standards substantially equivalent to those of public institutions of higher education. This excludes any educational organization used principally for sectarian instruction, as a place of religious teaching or worship, or for any religious denomination for the training of ministers, rabbis, or other professional persons in the

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field of religion.

"Public Institution of Higher Education" - An Illinois public university or Illinois community college.

"Purchaser" - Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and Federal laws.

"Qualified Beneficiary" - An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she has been a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and is a relative of an Illinois resident.

"Registration Fees" - The charges derived by combining tuition and mandatory fees.

Section 2775.30 Participant Eligibility

- a) The purchaser or qualified beneficiary must have been a resident of the State of Illinois for twelve continuous full months on the date of the application. Proof of residency shall be submitted to ISAC upon request.
- b) For a purchaser, a qualified beneficiary, the parent or legal guardian of a qualified beneficiary, or a member of a family of a qualified beneficiary, evidence of residency may be provided by documentation consistent with the requirements of 23 Ill. Adm. Code 2700.50(g)(3).
- c) For the purpose of establishing the residency status of a minor child as a qualified beneficiary, a progress report from the child beneficiary's day care center, preschool, or other school of attendance indicating twelve months of residency in Illinois will also be considered sufficient evidence.
- d) In the absence of other proof of residency for the qualified beneficiary, the parents' or legal guardians' residency shall be determinative.
- e) There is no age limit with regard to the qualified beneficiary of an Illinois prepaid tuition contract.

Section 2775.40 Program Procedures

- a) Application/Master Agreement
 - 1) The application period for purchases of contracts for the prepayment of postsecondary registration fees shall commence and terminate on dates set annually and announced publicly by the Commission.

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- 2) After receipt and approval of the purchaser's application/master agreement, a participation and payment schedule shall be mailed to the purchaser. The contract itself shall be comprised of the application/master agreement, participation and payment schedule. The purchaser must sign and date the application for it to be deemed complete and valid.

- 3) Each prepaid tuition contract must have one person designated as purchaser and one person designated as qualified beneficiary.

b) Contract Prices and Fees

The Commission shall annually review contract prices and adjust prices for new contracts, referencing annual changes in registration fees at Illinois public universities and Illinois community colleges. An implied interest rate for installment payment plans annually will be calculated, and subsequently approved or reaffirmed by the Commission as part of its pricing policy for the program. The Commission also annually shall approve a schedule of administrative fees or changes to fees for the program, including, but not limited to, application, late payment, cancellation and monthly maintenance fees.

c) Payment Options

Purchasers may make payments through a variety of means. Automated clearinghouse checks, payroll deductions or payments via coupon books will be acceptable. Payments are due in accordance with conditions set forth in the contract. Payments may be made by lump sum or by installments. All installment contracts shall be for a period of five years, except that contracts for at least 120 credit hours may be payable, by installments, over a 10-year period. No penalty shall be assessed for early payment of installment contracts.

d) Delinquency and Default

Failure to make any payment within 15 days after the due date shall result in assessment of a late fee and suspension of the qualified beneficiary's rights under the plan. A purchaser may reinstate his or her status in good standing within 180 days after this delinquency, provided all delinquent amounts have been paid. If no payments have been received within 210 days after the scheduled payment date, the account is canceled and the purchaser is sent the appropriate refund amount.

e) Termination

There are two types of contract termination, involuntary and voluntary:

- 1) Involuntary termination shall occur upon a finding of fraud in the verification of residency of a qualified beneficiary at the time of application or the nonpayment of any appropriate payments due within established time frames.
 - 2) Voluntary termination shall occur within 30 days after receiving written notice of a purchaser's desire to cancel a contract.
- f) Refunds
- Generally, no refund shall exceed the amount paid into the Illinois Prepaid Tuition Trust Fund by the purchaser and no refund shall be

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authorized under any prepaid tuition contract for any term partially attended but not completed. Refunds shall be made payable to the order of the purchaser only. The Commission shall authorize refunds in excess of the amount paid into the Illinois Prepaid Tuition Trust Fund under the following conditions:

- 1) When a qualified beneficiary is awarded a grant or scholarship, the terms of which duplicate the benefits covered by his or her prepaid tuition contract, then the moneys paid for the purchase of the contract shall be returned to the purchaser, in term installments that coincide with the matriculation of the qualified beneficiary, in an amount equal to the lesser of:
 - A) the original purchase price plus two percent interest compounded annually, or
 - B) the current cost of the registration fees at the MAP-eligible institution at which the qualified beneficiary is enrolled.
- 2) In the event of death or total disability of the qualified beneficiary, moneys paid for the purchase of the contract shall be returned to the purchaser together with all accrued earnings.
- 3) In cases where a public university plan contract is converted for usage at an Illinois community college, then the amount refunded shall be on a term-by-term basis. The refund should be the current value of the original contract minus the current value of the contract after conversion.
- 4) In all instances of a voluntary contract cancellation, the amount refunded shall be the original purchase price of the contract plus two percent compounded annually, less a cancellation fee.

Section 2775.50 Contract Terms and Conditions

- a) **Contract Types**
The program shall offer purchasers at least two different types of contracts: a public university plan and a community college plan. Additional contract plans may be offered. All contract types shall cover registration fees.
 - 1) The public university plan specifies that up to 9 terms, or 135 credit hours, at an Illinois public university may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.
 - 2) The community college plan specifies that up to 4 terms, or 60 credit hours, at an Illinois community college may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.
- b) **Contract Benefits**
 - 1) The registration fees contracted for by the purchaser shall be paid at the time of enrollment of the qualified beneficiary. The credit hours purchased may be used during any term of

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postsecondary undergraduate enrollment. To receive benefits under this program, a qualified beneficiary whose contract is in good standing will be issued an identification card. No identification card will be issued to a qualified beneficiary until a bona fide social security number is submitted.

- 2) Without exception, no contract benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract earlier than three years from the date the contract is purchased.
- c) **Contract Requirements**
 - 1) Purchasers must name a qualified beneficiary in the application. Only one qualified beneficiary is allowed per contract.
 - 2) In the event duplicate applications for the same qualified beneficiary are processed, the application processed first shall be deemed valid and the remaining application or applications shall be deemed valid, if and only if, they provide for registration fees not already covered by previous applications.
 - 3) The purchaser does not have to designate the postsecondary institution which the qualified beneficiary is expected to attend.
 - 4) The benefits of a contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.
 - 5) Benefits may be received for up to a 10-year period after the qualified beneficiary's first enrollment date. This 10-year limitation may be extended upon application to the Commission and the payment of a renewal fee assessed at that time. Any time spent by the qualified beneficiary in active military service shall not count as part of the time period for receiving contract benefits under all contract plans.
- d) **Contract Exclusions**
 - 1) Prepaid tuition contract plans do not cover payment of registration fees for graduate programs, adult basic programs, adult secondary programs, or postsecondary adult vocational programs.
 - 2) Purchasers may request approval to apply unexpended prepaid tuition credits toward payment of graduate school registration fees, in cases where other prepaid tuition contract benefits already have been utilized for undergraduate education and an undergraduate degree has been conferred.
 - e) **Change of Purchaser and Change of Qualified Beneficiary**
 - 1) The purchaser of a contract may be changed upon written request of the original purchaser and the new purchaser. The new purchaser must meet the requirements of a qualified purchaser contained in the master agreement.
 - 2) Upon written request, contract benefits may be transferred by the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

purchaser to a new qualified beneficiary prior to actual use. The new qualified beneficiary must be a member of the family of the original qualified beneficiary.

- f) Benefit Portability and Conversion Between Illinois Public Universities and Illinois Community Colleges
 - 1) Public university plan benefits may be converted for usage at community colleges and community college plan benefits may be converted for usage at public universities.
 - 2) Benefits shall be converted by referencing the relative current average mean-weighted credit hour value of registration fees purchased under the contract. Such benefit conversions shall be authorized on a term-by-term basis and no fee shall be assessed for conversion of benefits among in-State public institutions.
- g) Benefit Portability and Conversion to Nonpublic and Out-of-State Higher Education Institutions
 - 1) Public university plan and community college plan contract benefits may be converted for payment of registration fees at nonpublic and out-of-state not-for-profit higher education institutions.
 - 2) Benefits shall be converted by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. Each term, the Commission shall cause to have transferred this amount, less a transfer fee, to the nonpublic or out-of-state institution on behalf of the qualified beneficiary.

Section 2775.60 Scholarships, Grants or Monetary Assistance

- a) For purposes of determining a student's eligibility for any scholarship, grant or monetary assistance awarded by the Commission, the State, or any agency thereof, the value of any Illinois prepaid tuition contract shall not be considered as an asset when evaluating the financial situation of the qualified beneficiary, or be deemed a financial resource or form of financial aid or assistance for the qualified beneficiary.
- b) If contract benefits are considered for purposes of determining eligibility for federal student financial assistance, contributions toward the purchase of a prepaid tuition contract shall not reduce the amount of any scholarship, grant, or monetary assistance that the qualified beneficiary is eligible to be awarded by the Commission, the State or any agency thereof.

Section 2775.70 Disclosure

- a) Information that identifies purchasers or qualified beneficiaries of Illinois prepaid tuition contracts is exempt from inspection, copying, or public disclosure under the Freedom of Information Act.
- b) The Commission nonetheless authorizes its program records

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administrator to release such information to appropriate personnel at the MAP-eligible institution at which the qualified beneficiary may enroll or is already enrolled or to another State or Federal agency, for purposes deemed appropriate by the Commission.

- c) Any institution to which this information is released by the Commission shall ensure the continued confidentiality of the information.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:
Emergency Action:
New Section
121.107
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: February 1, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: January 29, 1999

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: In May 1998, the General Assembly appropriated \$5.6 million to provide services to immigrants under 305 ILCS 5/12-4.34. The Department has been working with immigrant advocate groups to develop programs to best utilize this money. Some programs have already been implemented. This rulemaking represents the best program agreed upon with the advocates. It is important to implement this program as quickly as possible to benefit the health and welfare of those immigrants eligible for benefits under the program.

10) A Complete Description of the Subject and Issues Involved: The New State Food Program is created to provide assistance with the food needs of persons who are ineligible for the Food Stamp Program solely due to citizenship requirements. Individuals must have been legally residing in the U.S. on 8/22/96 and must meet certain citizenship requirements to qualify. Individuals must be parents of children who receive federal food stamps or be age 60 through age 64 and not disabled. Those who qualify for the program will receive \$50 per month. The New State Food Program begins on February 1, 1999.

11) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.20	Amendment	22 Ill. Reg. 21228
121.63	Amendment	22 Ill. Reg. 19984
121.91	Amendment	22 Ill. Reg. 19984

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- | | | |
|---------|-----------|--------------------|
| 121.92 | Amendment | 22 Ill. Reg. 19984 |
| 121.105 | Repealer | 22 Ill. Reg. 19677 |
| 121.145 | Amendment | 22 Ill. Reg. 19984 |
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate
 - 13) Information and questions regarding this amendment shall be directed to:
 Mr. Susan Weir, Bureau Chief
 Bureau Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt From Work Registration Requirements
- 121.25 Failure to Comply
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit
- 121.28 Good Cause for Voluntary Job Quit
- 121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 121.52 Earned Income from Roomer and Boarder
- 121.53 Income From Rental Property
- 121.54 Earned Income In-Kind
- 121.55 Sponsors of Aliens
- 121.57 Assets
- 121.58 Exempt Assets
- 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

- 121.60 Net Monthly Income Eligibility Standards
- 121.61 Gross Monthly Income Eligibility Standards
- 121.62 Income Which Must Be Annualized
- 121.63 Deductions From Monthly Income
- 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

- 121.70 Composition of the Assistance Unit
- 121.71 Living Arrangement
- 121.72 Nonhousehold Members
- 121.73 Ineligible Household Members
- 121.74 Strikers
- 121.75 Students
- 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification to Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENT

New State Food Program

121.107 Eligibility
121.120 Recertification of Eligibility
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation by Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component (Repealed)
121.182 Earnfare Component
121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENT

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
121.220 Workfare Components
121.221 Meeting the Work Requirement with the Earnfare Component
121.222 Volunteer Community Work Component
121.223 Work Experience Component
121.224 Supportive Service Payments to Meet the Work Requirement

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 3, p. 49, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 255, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980; for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 4586, effective January 16, 1981; amended at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 19, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8645, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15822, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 1, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2035, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10650, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2501, effective February 1, 1999, for a maximum of 150 days.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.107 New State Food Program

EMERGENCY

Persons who are ineligible for the Food Stamp Program solely on the basis that they do not meet citizenship requirements (see Section 121.20) may qualify for the New State Food Program.

a) Persons must have been legally residing in the U.S. on 8/22/96, and must meet the citizenship requirements of one of the following groups

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

(further described in Section 112.10): American Indians Born in Canada; U.S. Veterans, Active Military Service, and Dependents; Refugee/Asylee/Cuban-Haitian/American/Deportation Withheld; Hmong or Highland Laotian Tribe Members; Persons Granted Conditional Entry and Certain Parolees; or Persons Who Are Lawfully Admitted for Permanent Residence.

b) Persons must be age 60 through 64 and not disabled, or must be parents living with their child age 17 or under who is eligible to receive federal food stamps.

c) The monthly benefit amount is \$50 per person.

(Source: Added by emergency rulemaking at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days)

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 26, 1999 through February 1, 1999, and have been scheduled for review by the Committee at its February 17, 1999 meeting in Springfield. Please note that the February meeting date has been changed to Wednesday, 2/17/99. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/11/99	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	12/4/98 22 Ill Reg 20808	2/17/99
3/11/99	State Board of Education, Procurement by the State Board of Education (23 Ill Adm Code 165)	11/6/98 22 Ill Reg 19425	2/17/99
3/11/99	Department of Children and Family Services, Day Care Information Line (89 Ill Adm Code 378)	11/20/98 22 Ill Reg 19966	2/17/99
3/11/99	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	11/30/98 22 Ill Reg 20443	2/17/99
3/12/99	Secretary of State, Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill Adm Code 140)	7/24/98 22 Ill Reg 13621	2/17/99
3/14/99	State Board of Elections, Established Political Party and Independent Candidate Nominating Petitions (26 Ill Adm Code 201)	5/8/98 22 Ill Reg 7858	2/17/99
3/14/99	State Board of Elections, New Political Party Nominating Petitions (26 Ill Adm Code 202)	5/8/98 22 Ill Reg 7862	2/17/99 3/14/99

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Illinois Farm Development Authority, Illinois Farm Development Authority (8 Ill Adm Code 1400)	8/21/98 22 Ill Reg 15113	2/17/99
3/14/99	Department of Nuclear Safety, Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill Adm Code 350)	12/4/98 22 Ill Reg 20722	2/17/99
3/14/99	Department of Nuclear Safety, Particle Accelerators (32 Ill Adm Code 390)	12/4/98 22 Ill Reg 20720	2/17/99
3/14/99	Department of Nuclear Safety, Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill Adm Code 351)	12/4/98 22 Ill Reg 20724	2/17/99
3/14/99	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	12/11/98 22 Ill Reg 21228	2/17/99
3/17/99	Department of Insurance, Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2006)	10/2/98 22 Ill Reg 17207	2/17/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChildren and Family Services

1. Day Care Information Line (89 Ill Adm Code 378)
-First Notice Published: 22 Ill Reg 19966 - 11/20/98
-Expiration of Second Notice: 3/11/99

Education

2. Certification (23 Ill Adm Code 25)
-First Notice Published: 22 Ill Reg 17159 - 10/2/98
-Expiration of Second Notice: 3/22/99
3. Procurement by the State Board of Education (23 Ill Adm Code 165)
-First Notice Published: 22 Ill Reg 19425 - 11/6/98
-Expiration of Second Notice: 3/11/99

Elections

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

4. Established Political Party and Independent Candidate Nominating Petitions (26 Ill Adm Code 201)
-First Notice Published: 22 Ill Reg 7858 - 5/8/98
-Expiration of Second Notice: 3/14/99
5. New Political Party Nominating Petitions (26 Ill Adm Code 202)
-First Notice Published: 22 Ill Reg 7862 - 5/8/98
-Expiration of Second Notice: 3/14/99
Farm Development Authority
6. Illinois Farm Development Authority (8 Ill Adm Code 1400)
-First Notice Published: 22 Ill Reg 15113 - 8/21/98
-Expiration of Second Notice: 3/14/99
Health Facilities Planning Board
7. Narrative and Planning Policies (77 Ill Adm Code 1100)
-First Notice Published: 22 Ill Reg 9134 - 5/29/98
-Expiration of Second Notice: 3/5/99
8. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)
-First Notice Published: 22 Ill Reg 9163 - 5/29/98
-Expiration of Second Notice: 3/5/99
9. Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)
-First Notice Published: 22 Ill Reg 6834 - 4/17/98
-Expiration of Second Notice: 3/5/99
Housing Development Authority
10. Affordable Housing Program (47 Ill Adm Code 360)
-First Notice Published: 22 Ill Reg 19977 - 11/20/98
-Expiration of Second Notice: 3/4/99
Human Services
11. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 22 Ill Reg 11266 - 7/6/98
-Expiration of Second Notice: 3/4/99
12. General Assistance (89 Ill Adm Code 114)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

- First Notice Published: 22 Ill Reg 11279 - 7/6/98
-Expiration of Second Notice: 3/5/99
13. Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 22 Ill Reg 14060 - 7/31/98
-Expiration of Second Notice: 3/5/99
14. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 21228 - 12/11/98
-Expiration of Second Notice: 3/14/99
15. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 19984 - 11/20/98
-Expiration of Second Notice: 2/20/99
16. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 19677 - 11/13/98
-Expiration of Second Notice: 3/5/99
17. Americans with Disabilities Act Grievance Procedure (4 Ill Adm Code 300)
-First Notice Published: 22 Ill Reg 18140 - 10/16/98
-Expiration of Second Notice: 3/5/99
18. Advisory Councils (89 Ill Adm Code 515)
-First Notice Published: 22 Ill Reg 19158 - 10/23/98
-Expiration of Second Notice: 2/11/99
Insurance
19. Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2008)
-First Notice Published: 22 Ill Reg 17207 - 10/2/98
-Expiration of Second Notice: 3/17/99
Liquor Control Commission
20. The Illinois Liquor Control Commission (11 Ill Adm Code 100)
-First Notice Published: 22 Ill Reg 19181 - 10/23/98
-Expiration of Second Notice: 2/12/99
Natural Resources

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

21. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)

-First Notice Published: 22 Ill Reg 20443 - 11/30/98
-Expiration of Second Notice: 3/11/99

Nuclear Safety

22. Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill Adm Code 350)

-First Notice Published: 22 Ill Reg 20722 - 12/4/98
-Expiration of Second Notice: 3/14/99

23. Particle Accelerators (32 Ill Adm Code 390)

-First Notice Published: 22 Ill Reg 20720 - 12/4/98
-Expiration of Second Notice: 3/14/99

24. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill Adm Code 351)

-First Notice Published: 22 Ill Reg 20724 - 12/4/98
-Expiration of Second Notice: 3/14/99

Public Health

25. Regional P-First Notice Published: 22 Ill Reg 15517 - 8/28/98

-Expiration of Second Notice: 2/25/99

Revenue

26. Income Tax-First Notice Published: 22 Ill Reg 19509 - 11/6/98

-Expiration of Second Notice: 2/11/99

27. Internet Filing of Illinois Income Tax Returns (86 Ill Adm Code 106)

-First Notice Published: 22 Ill Reg 20001 - 11/20/98
-Expiration of Second Notice: 3/4/99

Secretary of State

28. Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill Adm Code 140)

-First Notice Published: 22 Ill Reg 13621 - 7/24/98
-Expiration of Second Notice: 3/12/99

State Employees' Retirement System

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

29. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)

-First Notice Published: 22 Ill Reg 19525 - 11/6/98
-Expiration of Second Notice: 2/17/99

Teachers' Retirement System

30. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)

-First Notice Published: 22 Ill Reg 20808 - 12/4/98
-Expiration of Second Notice: 3/11/99

Transportation

31. Procedures and Enforcement (92 Ill Adm Code 386)

-First Notice Published: 22 Ill Reg 19719 - 11/13/98
-Expiration of Second Notice: 3/5/99

32. Motor Carrier Safety Regulations: General (92 Ill Adm Code 390)

-First Notice Published: 22 Ill Reg 19694 - 11/13/98
-Expiration of Second Notice: 3/5/99

33. Qualification of Drivers (92 Ill Adm Code 391)

-First Notice Published: 22 Ill Reg 19724 - 11/13/98
-Expiration of Second Notice: 3/5/99

34. Driving of Motor Vehicles (92 Ill Adm Code 392)

-First Notice Published: 22 Ill Reg 19682 - 11/13/98
-Expiration of Second Notice: 3/5/99

35. Parts and Accessories Necessary for Safe Operation (92 Ill Adm Code 393)

-First Notice Published: 22 Ill Reg 19714 - 11/13/98
-Expiration of Second Notice: 3/5/99

36. Hours of Service of Drivers (92 Ill Adm Code 395)

-First Notice Published: 22 Ill Reg 19685 - 11/13/98
-Expiration of Second Notice: 3/5/99

37. Inspection, Repair and Maintenance (92 Ill Adm Code 396)

-First Notice Published: 22 Ill Reg 19690 - 11/13/98
-Expiration of Second Notice: 3/5/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

38. Driving and Parking (92 Ill Adm Code 397)
-First Notice Published: 22 Ill Reg 19679 - 11/13/98
-Expiration of Second Notice: 3/5/99

EMERGENCY AND PEREMPTORY RULEMAKINGS

Central Management Services

39. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 23 Ill Reg 730 - 1/15/99

40. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill Adm Code 2700) (Emergency)
-Notice Published: 23 Ill Reg 566 - 1/8/99

Elections

41. Campaign Finance (26 Ill Adm Code 100) (Emergency)
-Notice Published: 23 Ill Reg 719 - 1/15/99
42. Practice and Procedure (26 Ill Adm Code 125) (Emergency)
-Notice Published: 23 Ill Reg 1122 - 1/22/99

Human Services

43. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 23 Ill Reg 1133 - 1/22/99
44. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113) (Emergency)
-Notice Published: 23 Ill Reg 579 - 1/8/99
45. General Assistance (89 Ill Adm Code 114) (Emergency)
-Notice Published: 23 Ill Reg 588 - 1/8/99
46. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 23 Ill Reg 598 - 1/8/99

EXEMPT RULEMAKINGS

Pollution Control Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
FEBRUARY 17, 1999

47. Hazardous Waste Injection Restrictions (35 Ill Adm Code 738)
-Proposed Date: 22 Ill Reg 18226 - 10/16/98
-Adopted Date: 2/5/99
48. Hazardous Waste Management System: General (35 Ill Adm Code 720)
-Proposed Date: 22 Ill Reg 18236 - 10/16/98
-Adopted Date: 2/5/99
49. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)
-Proposed Date: 22 Ill Reg 18250 - 10/16/98
-Adopted Date: 2/5/99
50. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill Adm Code 725)
-Proposed Date: 22 Ill Reg 18370 - 10/16/98
-Adopted Date: 2/5/99
51. Land Disposal Restrictions (35 Ill Adm Code 728)
-Proposed Date: 22 Ill Reg 18481 - 10/16/98
-Adopted Date: 2/5/99
52. RCRA Permit Program (35 Ill Adm Code 703)
-Proposed Date: 22 Ill Reg 18661 - 10/16/98
-Adopted Date: 2/5/99
53. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill Adm Code 724)
-Proposed Date: 22 Ill Reg 18693 - 10/16/98
-Adopted Date: 2/5/99
54. Standards for the Management of Used Oil (35 Ill Adm Code 739)
-Proposed Date: 22 Ill Reg 18780 - 10/16/98
-Adopted Date: 2/5/99

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